United Nations S/2001/668

Security Council

Distr.: General
5 July 2001

Original: English

Letter dated 3 July 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the President of the Security Council

I have been instructed by my Government to write to you in connection with the forthcoming consideration in the Security Council of the extension of the mandate of the United Nations Mission of Observers in Prevlaka (UNMOP).

The Government of the Federal Republic of Yugoslavia highly appreciates the contribution UNMOP has made to the maintenance of stability, regime of security, strengthening of confidence and the creation of conditions for reaching a solution to the disputed issue of Prevlaka.

Following the democratic changes, the Federal Republic of Yugoslavia has placed special emphasis on the normalization and promotion of relations with neighbouring countries, particularly the former Yugoslav republics, convinced that, by doing so, it will render a most direct contribution to the strengthening of regional stability. In that context, I would like to point out that Yugoslavia continues to be ready to work alongside its neighbours on the solution of all problems. My Government believes that conditions do exist for the Federal Republic of Yugoslavia and the Republic of Croatia to arrive, through direct negotiations, at a satisfactory solution with full respect for the interests of both sides.

To further that end, ever since the extension of the last mandate of UNMOP, the Federal Republic of Yugoslavia has actively engaged in the quest for a solution to the disputed issue of Prevlaka. Regardless of differences in views, the Federal Republic of Yugoslavia continues to believe that gradualism, strengthening of confidence and the taking of specific steps aimed at creating necessary conditions and an atmosphere conducive to reaching a final agreement on the determination of land, water and sea borders between the Federal Republic of Yugoslavia and the Republic of Croatia is the best way to proceed.

Bearing in mind that the process requires some time, the Government of the Federal Republic of Yugoslavia expects that, proceeding from its primary responsibility for safeguarding peace and security, the Security Council will decide to extend the mandate of UNMOP for another period of six months.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(*Signed*) Vladislav **Mladenovic**
Chargé d'affaires a.i.

01-44272 (E) 060701

United Nations A/ES-10/94-S/2001/669

General Assembly
Security Council

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6 July 2001

Original: English

General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Fifty-sixth year

Identical letters dated 5 July 2001 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

In spite of worldwide opposition and condemnation, Israel, the occupying Power, insists on pursuing its policy of extrajudicial killings. On Wednesday, 3 July 2001, Mr. Hazem El-Natche was repeatedly shot and wounded in Hebron by Israeli soldiers belonging to an undercover unit. Furthermore, media reports indicated that the Israeli security cabinet in its meeting, on Wednesday, 3 July 2001, affirmed the continuation of the assassination policy. The recent decision to continue the policy was defended by several Israeli officials.

Since 28 September 2000, Israeli occupying forces have killed 40 Palestinians in 19 assassination attempts. This clearly represents a series of war crimes committed by the occupying Power for which the Israeli Government of Mr. Ariel Sharon is fully responsible. Israeli officials and officers responsible for such war crimes must be held accountable by the international community, in accordance with international law and international humanitarian law.

In addition to its extremely serious legal implications, the Israeli policy of extrajudicial killings and the decision to continue with it destroys the recently concluded ceasefire agreement. Once more, the Government of Prime Minister Ariel Sharon must be held fully responsible for the consequences of such perilous decisions. In fact, many recent Israeli actions and statements indicate that the Israeli Government was never serious about complying with the recommendations of the Report of the Sharm El-Sheikh Fact-Finding Committee (Mitchell Report) and the subsequent understanding on their implementation.

Further, since my last letter to you dated, 2 July 2001 (A/ES-10/93-S/2001/657), I regret to inform you that Israeli occupying forces have killed 2 more Palestinians, one of them today, bringing the total number of Palestinian martyrs to 514. (The names of the martyrs are contained in the annex to the present letter). The

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number of injuries, many critical, also continues to rise each day as a result of the violent and criminal actions of the occupying forces.

I am writing this letter in follow-up to my previous 53 letters addressed to you regarding this grave and ongoing situation in the Occupied Palestinian Territory, including Jerusalem, dated from 29 September 2000 to 2 July 2001 (A/55/437-S/2000/930; A/55/450-S/2000/957; A/55/466-S/2000/971; A/55/474-S/2000/984; A/55/490-S/2000/993; A/ES-10/39-S/2000/1015; A/ES-10/40-S/2000/1025; A/ES-10/42-S/2000/1068; A/ES-10/43-S/2000/1078; A/ES-10/44-S/2000/1093; A/ES-10/45-S/2000/1104; A/ES-10/46-S/2000/1107; A/ES-10/47-S/2000/1116; A/ES-10/48-S/2000/1129; A/ES-10/49-S/2000/1154; A/ES-10/50-S/2000/1173; A/ES-10/51-S/2000/1185; A/ES-10/52-S/2000/1206; A/ES-10/53-S/2000/1247; A/ES-10/54-S/2001/7; A/ES-10/55-S/2001/33; A/ES-10/56-S/2001/50; A/ES-10/57-S/2001/101; A/ES-10/58-S/2001/131; A/ES-10/59-S/2001/156; A/ES-10/60-S/2001/175; A/ES-10/61-S/2001/189; A/ES-10/64-S/2001/209; A/ES-10/65-S/2001/226; A/ES-10/66-S/2001/239; A/ES-10/67-S/2001/255; A/ES-10/68-S/2001/284; A/ES-10/69-S/2001/295; A/ES-10/70-S/2001/304; A/ES-10/71-S/2001/314; A/ES-10/72-S/2001/332; A/ES-10/75-S/2001/352; A/ES-10/76-S/2001/372; A/ES-10/79-S/2001/418; A/ES-10/80-S/2001/432; A/ES-10/81-S/2001/447; A/ES-10/82-S/2001/463; A/ES-10/83-S/2001/471; A/ES-10/84-S/2001/479; A/ES-10/85-S/2001/486; A/ES-10/86-S/2001/496; A/ES-10/87-S/2001/504; A/ES-10/88-S/2001/508; A/ES-10/89-S/2001/544; A/ES-10/90-S/2001/586; A/ES-10/91-S/2001/605; A/ES-10/92-S/2001/629 and A/ES-10/93-S/2001/657).

As we have repeatedly indicated in the past, the Security Council of the United Nations cannot absolve itself from its responsibility vis-à-vis the ongoing tragic and dangerous situation in the Occupied Palestinian Territory, including Jerusalem, and in the Middle East as a whole. We once again reiterate our call to the Council to uphold its responsibility and take the necessary measures to save the situation, as well as to ensure compliance with international law, international humanitarian law and existing Palestinian-Israeli agreements.

I would be grateful if you would arrange to have the text of the present letter and its annex distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Dr. Nasser **Al-Kidwa**
Ambassador
Permanent Observer of Palestine to the United Nations

Annex to the identical letters dated 5 July 2001 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

Names of martyrs killed by Israeli occupying forces in the Occupied Palestinian Territory, including Jerusalem* (Tuesday, 3 July through Thursday, 5 July 2001)

Tuesday, 3 July 2001

Radwan Ibrahim Eshtay'a

Thursday, 5 July 2001

Nasser Abed

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* Total number of Palestinian martyrs killed by Israeli occupying forces since 28 September 2000 = 514.

United Nations S/2001/670

Security Council

Distr.: General
6 July 2001
English
Original: Arabic

Letter dated 3 July 2001 from the Permanent Representative of Qatar to the United Nations addressed to the President of the Security Council

In my capacity as Chairman of the Arab Group for the month of July 2001 and on behalf of the members of the League of Arab States, I have the honour to inform you that on Tuesday, 3 July 2001, the Arab Group held a meeting in New York at the level of ambassadors and permanent representatives to the United Nations. They met in implementation of the resolutions of the 2001 Arab Summit Conference held in Amman, Jordan, and the 2000 Arab Summit Conference held in Cairo, Egypt, on pan-Arab solidarity with Lebanon in the face of Israeli attacks and threats and in the light of the act of aggression committed by Israeli air forces on the afternoon on Sunday, 1 July 2001, against Lebanon, when they attacked a radar position of the Syrian Arab forces operating in Lebanon in the Duhur al-Aytrun locality of the Bekaa, wounding two members of the Syrian forces and an enlisted man in the Lebanese Army.

In the delicate situation in which the Middle East region finds itself, I should like to state, on behalf of the Arab Group, that the Arab position of solidarity is based on the following invariable elements:

The Arab Group condemns the repeated Israeli attacks on Lebanon, constituting as they do a flagrant violation of the country's sovereignty and of its territorial integrity and airspace. Israel alone bears responsibility for the grave consequences they have and for the fact that they jeopardize international peace and security. It further condemns outright the Israeli aggression against the Syrian Arab forces operating in Lebanon.

The Arab Group affirms its support for Lebanon in asserting all of its rights and in taking all legitimate measures to liberate the occupied Shab'a farmlands and secure the return of the prisoners that Israel abducted from their homes in open defiance of international legality and international humanitarian law.

This attack is a manifest attempt to divert attention from the infamous Israeli practices and outrages against the Palestinian people in the occupied Palestinian territories, including Jerusalem.

The Arab Group voices its concern at the ongoing series of Israeli threats against and attacks on the unity and integrity of Lebanese territory, and it declares its full solidarity with Lebanon and Syria in their coordinated action to counter this aggression and all the Israeli designs against the two countries.

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The Arab Group urges the Security Council to take the measures necessary to halt Israeli aggression against Lebanese territory and against the Syrian Arab forces operating there, to prevent any recurrence of such aggression and to require Israel to respect Lebanon's sovereignty and territorial integrity and implement the resolutions that embody international legitimacy.

The Arab Group would like to take this opportunity to reaffirm the continuing commitment of the Arab States to a just and comprehensive peace in the Middle East in accordance with Security Council resolutions 242 (1967) and 338 (1973), the principle of land for peace, the Madrid terms of reference and the other relevant resolutions that represent international legitimacy and to reiterate their deep belief that it is such a peace that will provide the region with a climate of security and stability.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Nassir Abdilaziz **Al-Nasser**
Ambassador
Permanent Representative of Qatar to the United Nations
Chairman of the Arab Group

United Nations S/2001/671

Security Council

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6 July 2001

Original: English

Letter dated 6 July 2001 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council

I have the honour to enclose herewith a position paper of the Russian Federation containing proposals to enhance the activities of the Military Staff Committee in the context of strengthening the United Nations peacekeeping potential (see annex).

It is our intention to submit this position paper to the Security Council Working Group on Peacekeeping for its consideration.

I would be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Sergey **Lavrov**

01-44532 (E) 060701

Annex to the letter dated 6 July 2001 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council

Enhancing the activities of the Security Council Military Staff Committee

Position paper

A more active use of the capacities of the Military Staff Committee to strengthen the United Nations potential in the field of maintenance or restoration of peace and security would organically coincide with efforts to increase the effectiveness of the United Nations and its Security Council.

Enhancing the activities of the Military Staff Committee under the present conditions would mean:

(a) Giving an adequate response to the increasing demand for United Nations peacekeeping services, and the more complex character and scale of peacekeeping operations;

(b) Enhancing the operative capacity and efficiency of the Security Council as the leading body in the maintenance of international peace and security;

(c) Providing the United Nations with additional possibilities for building up peacekeeping potential;

(d) Promoting a higher level of military expertise for decision-making on conflict settlement involving the United Nations peacekeeping potential.

The Russian Federation's proposal to engage the Military Staff Committee is not intended to modify or substitute it for those United Nations structures dealing with military aspects of peacekeeping that already exist and have proved effective.

The Military Staff Committee should be able to perform its functions, as provided for by the Charter of the United Nations, and to assist the Security Council in its strategic guidance and control over peacekeeping operations.

What is important is that the Military Staff Committee has already in place its organizational principles, procedures of functioning and interaction with the Security Council, the Secretariat and United Nations Member States, formally established in the Charter, the provisional statute and rules of procedure of the Military Staff Committee.

It is worth noting that Article 47, paragraph 4, of the Charter, envisages the establishment, with the authorization of the Security Council and after consultation with appropriate regional agencies, of the Military Staff Committee's subsidiary bodies — i.e., regional subcommittees — whose membership is not limited to representatives of the five permanent members of the Security Council. Moreover, in accordance with the Charter, the Military Staff Committee may establish functional subcommittees (operational, intelligence, logistics, communications etc.).

The Russian Federation's proposals for enhancing the activities of the Military Staff Committee provide for developing suitable ways of involving in its work, in accordance with Article 47, paragraph 2, of the Charter, non-permanent members of

the Security Council, States that contribute troops and logistic support and other Member States concerned. It would seem advisable to establish a practice of targeted consultations on military aspects of peacekeeping operations according to the following format: Military Staff Committee — non-permanent members of the Security Council — contributors of troops and logistic support for the operation — United Nations Secretariat.

The enlarged Military Staff Committee could provide on a permanent basis an analysis of the military component of the situation in conflict areas and prepare recommendations for the Security Council, including recommendations on a possible use of military means as a preventive measure and on carrying out sanctions and — most important — work out, in cooperation with the Department of Peacekeeping Operations of the United Nations Secretariat, the military and operative aspects of peacekeeping.

Upon the decision by the Security Council the Military Staff Committee could take part in the activities of working groups and other United Nations bodies on peacekeeping issues, where its representatives could be responsible for summing up the "lessons learned", and the preparation of recommendations on the use of military contingents in peacekeeping operations.

Upon the decision of the Security Council and in concurrence with the Secretariat, representatives of the Military Staff Committee could be included in fact-finding missions and inspection teams to assess the readiness of forces and the means of logistic support provided to the United Nations for participation in peacekeeping operations.

The Military Staff Committee could provide military expertise on policy documents of military aspects of peacekeeping operations worked out in the United Nations, involving experts from military staffs of the Committee's member States, and also participate directly in the preparation of such documents.

In general the Military Staff Committee's enhancement should meet the urgent requirement fully to use the available United Nations capacities to increase the Organization's peacekeeping potential. Specific and suitable proposals regarding this problem should be worked out with the participation of all interested Member States.

United Nations S/2001/672

Security Council

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6 July 2001
English
Original: French

Letter dated 6 July 2001 from the Permanent Representative of Burundi to the United Nations addressed to the President of the Security Council

On the instructions of my Government, I have the honour to transmit herewith a document entitled "Reaction of the Government of Burundi to the statement by the Government of the Democratic Republic of the Congo concerning the political and security situation in Burundi" (see document S/2001/634).

I take this opportunity to pay tribute to the Security Council for the efforts it is making to promote peace in Burundi and throughout the Great Lakes region, and to urge the Council to do everything possible to ensure that its resolution 1355 (2001) of 15 June 2001 on the Democratic Republic of the Congo is implemented, especially paragraphs 8, 11 and 12 which concern security between Burundi and its neighbours.

In this way, the Security Council will be acting in consistency with the conclusions and recommendations of its own report on its mission to the Great Lakes region from 15 to 26 May 2001, which gave new momentum to the search for regional peace. It will also be following up on the observations and conclusions in the eighth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) (S/2001/572), particularly those contained in paragraphs 105 and 106 which call on "regional Heads of State" to bring their influence to bear on the Burundian armed groups to encourage them to refrain from violence.

I should be grateful if you would have this letter and its annex circulated as a Security Council document.

(*Signed*) Marc **Nteturuye**
Ambassador, Permanent Representative

01-44552 (E) 090701 090701

Annex to the letter dated 6 July 2001 from the Permanent Representative of Burundi to the United Nations addressed to the President of the Security Council

Reaction of the Government of the Republic of Burundi to the statement by the Government of the Democratic Republic of the Congo concerning the political and security situation in Burundi

1. The Ministry of Foreign Affairs and International Cooperation of the Democratic Republic of the Congo has just issued to the international community a statement (see document S/2001/634) which suggests that the upsurge in violence in Burundi and Rwanda results from factors associated with internal problems of the countries concerned rather than infiltrations from Congolese territory of Interahamwe and ex-Forces Armées Rwandaises elements and Burundian rebels. Moreover, it is claimed in the same statement that an accusation is being made about the existence of such infiltrations which is completely baseless and the product of a genuine diversionary tactic.

2. Without wishing to engage in polemics with regard to a situation which is well known to the international community, the Republic of Burundi, for its part, wishes to make the following clarifications:

First: The Republic of Burundi is not at war with the Democratic Republic of the Congo. It has never had political, territorial, economic or other designs on the Democratic Republic of the Congo. Thus it has the status of observer and interested party in the context of the Lusaka Agreement.

Second: The Government of Burundi believes that it had encouraging contacts with the Congolese authorities at the end of 2000 and the beginning of 2001, particularly in Libreville. It intends to continue the bilateral contacts in order to settle all the pending issues of common concern in general and those relating to security on the common border in particular, especially at this time when the coalition of Rwandan and Burundian armed groups seems to be preparing massive attacks which are supposed to lead to a final military solution.

Third: The Government of Burundi categorically refutes the false allegations made in the afore-mentioned statement and wishes to rectify the facts, which are known to the international community through the Joint Military Commission, the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and the international organizations working in the Democratic Republic of the Congo:

1. Repeated attacks have been made in 2001 on Burundian trading ships in the southern part of Lake Tanganyika between Kazimia and the Pueto-Moliro region.

2. Congolese vessels transporting Burundian armed bands leave the ports of Moliro, travel up the lake and unload some people in the Ubwari peninsula, at Kazimia in the Democratic Republic of the Congo, while others travel towards Kigoma in the United Republic of Tanzania.

3. At the various meetings of the Joint Military Commission which took place in Lusaka in April and May 2001 and more particularly those concerning the

plan for the disarmament, demobilization, reintegration and resettlement or repatriation (DDRRR) of all the hostile forces, the participants noted with surprise the discrepancy between the information on these forces provided by the humanitarian agencies working in the Congo, the rebel side and the Congolese side. Everything suggests that the Democratic Republic of the Congo wants to conceal the figures, even though they are needed by MONUC for the implementation of the DDRRR plan.

3. In the same context, the Congolese side has provided no information on the Forces pour la défense de la démocratie (FDD) even though they are inventoried in the Lusaka Agreement and everyone knows very well that the FDD headquarters is indeed located in Kasenga in the province of Katanga and that Jean Bosco Ndayikengurukiye and his men, estimated to number 4,500, are operating in this zone, from which they are receiving all the equipment needed for the war which they are waging against Burundi.

Similarly, since the Forces Armées Congolaises (FAC) command has complained in writing that the Rwandan and Burundian troops have attacked its positions at Rutuku, Mulembwe, Musipi and Mpala, all situated between Moba and Kalemie along Lake Tanganyika, the members of CMM and MONUC can attest that the Democratic Republic of the Congo is freely admitting to the existence of a front behind those which it calls aggressors. In reality, these positions are assembly points for the FDD armed groups and their supporters, from which they set out with arms and ammunition towards the United Republic of Tanzania or the Ubwari peninsula which serve as a rear base for the war against Burundi.

4. As to the pillage of the resources of the Democratic Republic of the Congo, the Government of Burundi demonstrated at the time that the accusations made against it were unfounded and that the report in question provided no convincing proof and also affirmed that it was not possible to continue to rely on gratuitous accusations as a basis for rejecting any course which might lead to a comprehensive solution to the security problems in Burundi in particular and in the subregion in general.

5. With regard to the peace process in Burundi, the Government of the Republic of Burundi and the 18 other negotiating parties would already have made significant progress by signing the Arusha peace agreement on 28 August 2000 had it not been for the destabilization manoeuvres and delaying tactics of those who place the logic of war ahead of the route of negotiations and dream of an illusory military victory. The Government of Burundi intends to continue all steps which could lead the armed groups to undertake negotiations and a cessation of violence in order to arrive at a ceasefire.

The Government of Burundi once again reaffirms its unflinching commitment to do everything possible to bring the inter-Burundian peace process to completion and to promote the implementation of the Arusha peace agreement.

The Government of Burundi would like to reaffirm its desire to cooperate with the Democratic Republic of the Congo so that the Lusaka and Arusha Agreements are appropriately harmonized and smoothly implemented in the overall interests of the Democratic Republic of the Congo and Burundi in particular and of the Great Lakes region in general.

6. Lastly, in order to ensure that these kinds of suspicions and false and defamatory statements are brought to an end, the Government of the Republic of Burundi would like to propose once again that the international community should:

1. Urge the neighbouring countries to make a real effort to bring their influence to bear on the Burundian armed groups to encourage them to return to the negotiating table at Arusha and accept the logic of the Arusha Agreement which gives them an outlet for all their claims, and to abandon the path of violence which creates confusion and maintains a climate of mistrust between Burundi and its neighbours.

The Government of Burundi calls upon the Democratic Republic of the Congo in particular to demobilize and disarm FDD in implementation of the DDRRR plan and the Lusaka Agreement.

2. In the context of the Lusaka Agreement, Burundi calls upon MONUC to monitor the entire length of Lake Tanganyika, now that it has been confirmed that the new war front has moved towards the shore areas of this lake.

United Nations A/56/161–S/2001/673

General Assembly
Security Council

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6 July 2001

Original: English

General Assembly
Fifty-sixth session
Item 179 of the preliminary list*
Measures to eliminate international terrorism

Security Council
Fifty-sixth year

Letter dated 6 July 2001 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

I wish to draw your attention to the volatile situation that persists along Israel's northern border, which has the potential to further deteriorate, leading to greater regional instability.

On Friday evening, 29 June 2001, two Israeli soldiers were wounded, one of them seriously, by shrapnel when Hizbullah terrorists fired dozens of anti-tank missiles and mortars at two army outposts in the Mount Dov region on the Israeli side of the Blue Line. This incident is merely the latest in an ongoing series of cross-border attacks perpetrated by Hizbullah in the wake of Israel's withdrawal from Lebanon last year.

Israel views all these attacks as flagrant violations of the line of withdrawal, as established by the United Nations, constituting a grave threat to peace and security along the border and in the region as a whole. Earlier violations have been detailed in a number of letters, most recently in my letters dated 16 April 2001 (S/2001/367), 16 February 2001 (A/55/792-S/2001/142), 6 February 2001 (A/55/767-S/2001/111), 26 November 2000 (S/2000/1121), 23 October 2000 (S/2000/1011), 19 October 2000 (S/2000/1002) and 7 October 2000 (S/2000/969).

Despite Israel's full and confirmed compliance with Security Council resolution 425 (1978), Hizbullah, with the complicity of both the Lebanese and Syrian Governments, continues to launch attacks on Israeli forces deployed on the Israeli side of the Blue Line. By their active and tacit support for Hizbullah's activities, both Lebanon and Syria are also in violation of basic norms of international law, the provisions of Security Council resolutions 425 (1978), 426 (1978), 1310 (2000) and 1337 (2001), which call for the restoration of international peace and security and the return of the effective authority and presence of the Government of Lebanon in the south, and the Blue Line as determined by the Secretary-General and endorsed by the Security Council. Indeed, Lebanon's continued failure to deploy its forces in the area, its disregard for the integrity of the

* A/56/50.

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Blue Line and its encouragement and support for the launching of provocative acts of terrorism and aggression from its territory represent a clear threat to peace and security in the region.

It has become apparent that Lebanon's failure to assert control in the South and to fulfil its obligations under international law is due, to a large extent, to the overwhelming degree of control that the Government of Syria exerts over its neighbour. It is a well-known fact that Syria, with over 30,000 troops stationed there and occupying a significant portion of Lebanese territory, is the main power broker in Lebanon, and as such shares responsibility for Lebanon's failure to comply with the resolutions of the Security Council and for the continued violence and instability along the border. The Syrian Government also continues to support the activities of Hizbullah, permits overland arms transfers to pass through Syrian territory from the Islamic Republic of Iran to Hizbullah's operatives, allows Hizbullah to maintain terrorist training facilities in the Syrian-controlled Bekaa Valley and has directly enhanced the capability of the organization to launch attacks against Israel.

In light of the above, the international community must seriously question the conduct of the Syrian Government given Syria's impending candidature for membership in the Security Council. As an occupier of a neighbouring country, a sponsor of Hizbullah's terrorism and a state that grants terrorist organizations safe harbour in its territory, Syria's policies stand in blatant contradiction to the principles of the Charter of the United Nations. Member States must take care to ensure that only nations that strictly adhere, both in word and deed, to the provisions of the Charter ascend to membership in such an important organ of the world organization.

Article 23 of the Charter explicitly states that in electing the non-permanent members of the Security Council due regard must be specially paid, in the first instance, to "the contribution of Members of the United Nations to the maintenance of international peace and security". It is clear that the actions of the Government of Syria, rather than advancing the cause of peace, constitute a grave threat to the maintenance of international peace and security. As to the other criteria stipulated in Article 23, that of geographic distribution, in the Syrian case, the use of geographic equity as leverage for eligibility is insufficient and may lead to a most contradictory and dubious election of a non-permanent member to the Security Council.

Israel is fully committed to peace in the Middle East, including with Syria and Lebanon, and is prepared to enter into negotiations with the leaders of those nations with no preconditions. Israel also has no interest in a further escalation along the northern border but is obligated to exercise its right of self-defence to protect the lives of its soldiers and civilians and to bring about an end to the state-sponsored terrorism emanating from Lebanon and Syria. The persistence of this dangerous situation greatly imperils regional peace and security.

I should be grateful if you would arrange to have the text of the present letter circulated as a document of the fifty-sixth session of the General Assembly, under item 179 of the preliminary list, and of the Security Council.

(*Signed*) Yehuda **Lancry**
Permanent Representative

United Nations S/2001/674

Security Council

Distr.: General
9 July 2001
English
Original: Arabic

Letter dated 5 July 2001 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to notify you of continued violations of the ceasefire resolution and the Tehran agreement concerning the area of separation between Iraq and Iran that were committed by Iran between 21 April and 20 May 2001, as shown in the list annexed hereto.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(*Signed*) Mohammed A. **Al-Douri**
Ambassador
Permanent Representative

01-44699 (E) 100701 100701

Annex to the letter dated 5 July 2001 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

Iranian violations of the ceasefire and the 1991 Tehran agreement, 21 April-20 May 2001

1. 21 April 2001

At 0530 hours the Iranians fired four Katyusha rockets at Maslah village in Qazaniyah district from the Ayn Zalah post.

2. 23 April 2001

At 1600 hours the Iranians installed a two-barrel machine-gun manned by two soldiers at one of the forward observation posts on the Shatt al-Arab south of the Karun river at coordinates 386684 (1:100,000 map of Saybah).

3. 23 April 2001

At 1630 hours the Iranians shot at a supply vehicle in the Qazaniyah area, damaging its tires.

4. 23 April 2001

At 1213 hours an Iranian helicopter was seen flying from south to north along the international boundary from coordinates 5586 to coordinates 4602. At 1225 hours it returned to the Iranian rear.

5. 24 April 2001

At 0800 hours an Iranian engineering unit consisting of a Poclain and 18 persons began work at coordinates 903162. At the same time an Iranian engineering unit began work on the old road, using two dump trucks and an excavator.

6. 24 April 2001

At 0500 hours the Iranians opened fire indiscriminately for a period of three minutes opposite the Fadaghiyah post at coordinates 520410.

7. 24 April 2001

At 2245 hours the Iranians bombarded our units at coordinates 1148 with rocket launchers and mortars. Fifty mortar rounds and 10 rockets impacted in the area.

8. 25 April 2001

At 1115 hours a khaki-coloured helicopter was seen at coordinates 3574 heading towards coordinates 3176. It then returned again to the Iranian rear.

9. 25 April 2001

At 0900 hours a khaki-coloured Iranian helicopter was seen coming from the Busaytin area and landing at coordinates 7221. Seven person alighted and ascended the observation post. At 1100 hours the helicopter returned to the Iranian rear.

10. 25 April-3 May 2001

An Iranian engineering unit consisting of two dump trucks and an excavator began work at coordinates 570559, spreading ballast along the old road.

11. 25-26 April 2001

At 0800 hours an Iranian engineering unit began work beyond the Iranian burial ground at coordinates 15079. Ten persons were at work.

12. 25 April 2001

At 0800 hours an Iranian engineering unit consisting of one Poclain and two dump trucks began work at coordinates 972734, mending the old road. Eight persons were at work.

13. 25 April 2001

At 0730 hours the Iranians bombarded the Sa`d post at coordinates 8967 with six 120-mm mortar rounds.

14. 27 April 2001

At 1050 hours four Iranians in military dress infiltrated into Iraqi national territory.

15. 27 April 2001

The citizen Kazim Isa Mal Allah al-Rashid, a fisherman by occupation and a resident of the Abu al-Khasib area, was fishing in the Fadaghiyah area of Faw district in Basrah Governorate when at 1500 hours he came under fire from the Iranian side. He was killed instantly.

16. 29 April 2001

At 1300 hours three vehicles — a military jeep, a black late-model Mercedes and a Toyota pick-up truck — were seen coming from the Iranian rear. The jeep headed towards the position opposite the Iraqi post, and an Iranian officer carrying field glasses alighted and reconnoitred the area. The two civilian vehicles came to a halt at the metallic tower opposite the same post. Six civilians alighted and reconnoitred the area.

17. 29 April 2001

At 1500 hours three Nissan station wagons, two khaki-coloured and one white, were seen coming from the Iranian rear and coming to a halt at the Iranian position opposite an Iraqi post. Fourteen persons in military uniform, including three officers, alighted. They reconnoitred the area for a period of 15 minutes.

18. 2 May 2001

At 1700 hours the citizen Qasim Mansur Jamil, a fisherman by occupation, was hit by one round fired from the Iranian side in the Fadaghiyah area in Basrah Governorate. He was taken to the hospital.

19. 4-9 May 2001

An Iranian engineering unit began work at coordinates 5753, spreading ballast along the old road. The equipment and vehicles used were two dump trucks, one excavator, two bulldozers, two water tankers, one roller and two pick-up trucks.

20. 5 May 2001

At 1010 hours the Iranians proceeded to build a military position near Iran's Tankab post at coordinates 5300 (1:100,000 map of Kani Baz).

21. 5 May 2001

At 1010 hours the Iranians pitched a tent on the boundary road near Iran's Qarah Sidq post at coordinates 05399 (1:100,000 map of Kani Baz).

22. 9 May 2001

From 0900 hours an Iranian remotely piloted aircraft coming from the direction of Jalula' city violated our national airspace for a period of 25 minutes before returning to Iranian territory.

23. 10-11 May 2001

The Iranian engineering unit continued work spreading ballast along the old road at coordinates 5752. The equipment and vehicles used were three dump trucks, one bulldozer and one excavator.

24. 13 May 2001

An Iraqi boat was subjected to a premeditated attack in an unsuccessful attempt to capture it along with its crew. The attack was carried out by two Iranian boats, each carrying six persons armed with rifles, in the Fadaghiyah area of the Shatt al-Arab at coordinates 515415. The Iranian observation posts along the eastern bank of the Shatt al-Arab in the same area opened fire in support of the two boats. The attack caused moderate damage to the boat and to its motor.

25. 14 May 2001

At 1000 hours two armed Iranian helicopters were seen coming from the Iranian rear towards Iran's Naft-e Shah. They then continued flying in a northerly direction for 10 minutes before returning to the Iranian rear.

26. 15 May 2001

At 1600 hours the Iranians opened a new observation post to the left of the new Husayn post at coordinates 4014 (1:100,000 map of Kani Baz). It was then manned by two or three persons monitoring our units with listening devices.

27. 15-21 May 2001

An Iranian engineering unit began work at coordinates 5752, spreading ballast along the old road. The equipment and vehicles used were nine dump trucks, one bulldozer, four excavators, one Poclain, two pick-up trucks, one water tanker and one roller.

28. 18 May 2001

At 0810 hours the Iranians pitched two tents on the heights of mount Kurd at coordinates 5895 (1:100,000 map of Kani Baz). Seven persons armed with light weapons were present in the vicinity.

29. 19 May 2001

At 1200 hours an Iranian helicopter was seen flying from west to east along the border strip at low altitude in the area of coordinates 91116. It headed towards

Kushk al-Basri, then turned north and flew parallel to the boundary before returning to the Iranian rear.

30. 20 May 2001

At 0800 hours an Iranian engineering unit began work on an old excavation at coordinates 5748. One bulldozer was used.

United Nations S/2001/675

Security Council

Distr.: General
9 July 2001

Original: English

Letter dated 5 July 2001 from the Permanent Representative of Liberia to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to transmit herewith the text of a letter dated 28 June 2001 from His Excellency Mr. Monie R. Captan, Minister for Foreign Affairs of the Republic of Liberia, relating to initiatives taken and measures being implemented by the Government of Liberia towards complying with Security Council resolution 1343 (2001) concerning Liberia (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Lami **Kawah**
Ambassador
Permanent Representative

01-44706 (E) 110701

Annex to the letter dated 5 July 2001 from the Permanent Representative of Liberia to the United Nations addressed to the Secretary-General

I am pleased to present my compliments and to submit herein a second report on initiatives taken and measures being implemented by the Government of Liberia towards complying with Security Council resolution 1343 (2001), especially paragraph 2 thereof.

In addition to the compliance measures earlier announced and implemented by the Government as mentioned in our first report of 11 April 2001, and notwithstanding the subsequent imposition of the present sanctions on Liberia, the Government of Liberia has continued to maintain, enforce and institutionalize all measures specifically required by resolution 1343 (2001) and those voluntarily assumed by the Government of Liberia as necessary to full and clear compliance with the demands of the Security Council covering the following areas:

Demands stated in paragraph 2 (a) and (b) of resolution 1343 (2001)

1.0 Pursuant to its policy of disengagement, the Government of Liberia to date remains completely and totally disengaged with the Revolutionary United Front (RUF). The policy of disengagement was adopted on 12 January 2001 due to misunderstanding of the Government's contacts with both the RUF and other parties to the Sierra Leonean conflict, which contacts were open and publicly maintained under the mandate of the Economic Community of West African States (ECOWAS), and for the sole objective of promoting regional peace and stability.

1.1 The Liberian-Sierra Leonean land border has also remained closed since March 2001, and is daily patrolled by security personnel for effective monitoring. The Government is pleased to report that besides the arrest of seven diamond smugglers, which was mentioned in our first report, there has been no other material incident reported by our patrols.

1.2 The point has to be made that although the closure of the border is not mandated by resolution 1343 (2001), the Government thought it appropriate as further evidence of its stated policy of disengagement. Even more importantly, the Government has asked the United Nations and ECOWAS to patrol and monitor its closed border with Sierra Leone and to maintain a presence at all other ports of entry.

1.3 It is hoped that the continued implementation of (a) the policy of disengagement, (b) the closure of the border and (c) the request for international patrol and monitoring of the closed border, as well as the absence of any evidence of the Government's contact with RUF, direct or indirect, should be enough evidence that the Government has severed all links with RUF. Additionally, the Government is available and remains willing to consider any suggestions from the United Nations as to what additional measure(s) should be taken to prove once and for all the reality of the non-existence of links or contacts with RUF.

1.4 With respect to the Expulsion Order, especially the documentation of the actions taken thereunder, the Government of Liberia acknowledged the concern expressed in your first report in respect of what you referred to as the untidy handling of the expulsion of RUF members, especially Sam Bockarie. However, and notwithstanding the unfounded speculations and rumours that this may have generated, the Government reiterates and reaffirms its earlier statement that Sam Bockarie did indeed leave Liberia and is no longer in the country.

1.5 It should be noted that the expulsion of Mr. Sam Bockarie and others was predicated upon the Government's policy of disengagement, which was announced and implemented one month before the adoption of Security Council resolution 1343 (2001). Under the circumstances, the Government was not under obligation to show documentary evidence of the departures because the expulsion was not a demand of the United Nations at the time. It should be further noted that it is not unusual in this region for daily border crossings to occur without immigration formalities.

1.6 The Government wishes to bring to your attention that resolution 1343 (2001), as adopted, does not require the arrest or extradition of any member of RUF; nor does it impose a requirement for the expulsion of any RUF member to a particular country or a designated location.

1.7 The Government would also like to solicit the attention of all persons concerned to the substantive issue of where Mr. Bockarie presently resides, as opposed to dwelling on past procedural inadequacy in documentation of his departure from Liberia. In this regard, the Government invites the Security Council (a) to investigate in any way possible the rumours and unverified reports (seemingly adopted by incorporation in your first report under resolution 1343 (2001)) of Mr. Bockarie's continued presence in Liberia, and (b) to request the assistance of Member States in ascertaining the possible presence of Sam Bockarie in their territories.

Demands stated in paragraph 2 (c) of resolution 1343 (2001)

2.0 The Government continues to maintain the ban placed on the importation of all un-certificated rough diamonds from countries with certification regimes. The ban on the exportation of Liberian diamonds also remains in full force and effect both in Liberia and worldwide by virtue of a public notice served on all participants in the international diamond industry, including the High Diamond Council.

2.1 The ban on import of un-certificated rough diamonds and the related ban on the export of Liberian diamonds are being vigorously enforced by customs personnel from the Ministry of Finance and security officers of the Ministry of Justice who are stationed at every port of entry.

2.2 In addition to putting into place a number of control measures, the Ministry of Lands, Mines and Energy has distributed to all diamond dealers in Liberia, and received acknowledgement thereto, official circulars concerning the bans on export and import of diamonds, and establishing appropriate reporting requirements on continual dealings in diamonds. The Government hereby confirms that licensed dealers are continuing the purchase of diamonds, but all

diamonds being bought are stored in vaults that are subject to spot inspection by inspectors from the Ministry of Lands, Mines and Energy at any time determined by the said Ministry.

2.3 Meanwhile, the Ministry of Lands, Mines and Energy has drafted a certification regime in keeping with the demands of the United Nations and based upon the Kimberley process, wherein a centralized export process is being put into place to involve the Ministry of Lands, Mines and Energy, the Ministry of Finance and the Central Bank of Liberia. The ultimate objective of this system is to enhance transparency and legitimacy in the trade of diamonds in Liberia.

Demands stated in paragraph 2 (e) of resolution 1343 (2001)

3.0 As was detailed in our first report, the Government has de-registered and effectively closed the Liberian Air Registry. The Civil Aviation Authority of Liberia has begun the formulation and establishment of a new system of civil aircraft registration. The programme is based on the Gate System and is designed to ensure strict conformity with annex 7 to the Chicago Convention on International Civil Aviation. A draft of the proposed registry has been completed and will be reviewed by a team of International Civil Aviation Organization (ICAO) technicians who are due to visit Liberia shortly consequent to the visit of the Minister of Transport to ICAO headquarters, which was detailed in our first report. While the Ministry of Transport is continuing to engage ICAO in partnership, the Government of Liberia would like to reiterate its earlier appeal to the United Nations for assistance in this direction.

3.1 The Government is further pleased to report that misunderstanding over Liberia's request to manage its airspace within the framework of the Roberts Flight Information Region (RFIR) has been resolved through consultations at the technical level during an informal coordinating meeting held in Dakar under the aegis of the ICAO regional office (see enclosure). The Memorandum of Understanding containing all the points of agreement and understanding has been drafted by the RFIR secretariat and is soon to be signed.

Conclusion

4.0 The impact of the current sanctions regime on the Liberian nation should not be underestimated. Their effects have not only been economic hardships and diplomatic isolation, but extend to endangering the country's national security and creating political instability. The records will show that this type of sanctions regime, which, among other things, effectively restricts all foreign travel of a sovereign leader and an entire national leadership, especially on the basis provided, is rare, if not unprecedented in the history of the United Nations. The psychological sense of international rejection and insensitivity represented by these sanctions may take a generation to heal.

4.1 It is the ardent hope of the Government of Liberia that as you review the measures reported herein, as well as other information you may wish to consider, you will take note of the humanitarian situation and other effects created by the sanctions, particularly in the light of the concluding statement of your first report on Liberia, in which you urged the Security Council to remain

engaged in Liberia. This country has experienced more than its share of suffering, and its people continue to be plagued by war, lack of basic social services, unemployment and a ruined economy.

(*Signed*) Monie R. **Captan**
Minister

cc: H.E. Lansana Kouyate
Executive Secretary
Economic Community of West African States
Abuja

H.E. Salim Ahmed Salim
Secretary General
Organization of African Unity
Addis Ababa

Enclosure

The Roberts Flight Information Region

18 May 2001

The Director of Civil Aviation
Ministry of Transport
Broad Street
Monrovia, Liberia

Subject: Draft annex to the Letter of Agreement between Roberts Air Traffic Control Centre and Roberts Approach Control

I have the honour to forward the draft annex to the Letter of Agreement between the Roberts Air Traffic Control Centre and Roberts Approach Control, in accordance with the conclusions of the informal meeting on coordination of air traffic management within the Roberts Flight Information Region held under the auspices of the ICAO regional office in Dakar.

I should be grateful if your Air Traffic Services Unit could submit its comments as soon as possible, for an early signature of this letter of agreement.

(*Signed*) El Hadj Boubacar **Bah**
Secretary-General

* * *

Draft annex to the Letter of Agreement between Roberts Air Traffic Control Centre and Roberts Approach Control

1. Introduction

1.1 The following procedure is the result of an informal coordination meeting on air traffic management within the Roberts Flight Information Region (FIR) under the auspices of the ICAO regional office, Dakar.

1.2 The working group, which is composed of representatives of Guinea, Liberia, Sierra Leone and the FIR secretariat, was mandated to find technical solutions acceptable to all parties without degrading the integrity of the Roberts FIR.

2. Transfer of responsibility

2.1 Between Roberts Air Traffic Control Centre and Roberts Approach Control Unit

2.2 The following reporting points:

Matru
Tekto
Ritam
Ponka

Have been designated as transfer of responsibility points for the provision of air traffic services between Roberts Air Traffic Control Centre and the Roberts

Approach Control Unit in the Liberian sector of the Roberts traffic management area (TMA).

2.3 Responsibility for the provision of air traffic services shall be transferred to the accepting unit at the following points:

Air traffic services routes	*Transfer of control*	*Transfer of communication*
B614	Matru	Matru
B600	Tekto	Tekto
B600	Ritam	Ritam
G852	Ponka	Ponka

2.4 The Roberts Air Traffic Control Centre shall provide clearances and coordinate traffic to the Roberts Approach Control Unit entering Liberian airspace at the above points.

Note 1. If transfer of responsibility is required at points other than those specified in paragraph 2.3 above, these shall be coordinated individually for each flight.

Note 2. Arriving aircraft at Robertsfield or Monrovia shall be cleared by the Roberts Air Traffic Control Centre to descend to and be released to the Roberts Approach Control at the above-mentioned points.

3. Transfer of communication

3.1 Aircraft shall be instructed to establish communication with the accepting unit over the transfer of responsibility point.

3.2 Frequencies for transfer of communication are as follows:

Roberts ATCC: VHF 128.1 Mhz
Roberts APC: VHF 124.5 Mhz
VHF 118.3 Mhz

4. Derogations

4.1 Departure from the procedures specified in this Letter of Agreement shall not be permitted without prior coordination on a case-by-case basis and only in exceptional circumstances.

4.2 Any deviations from these provisions that arise due to an emergency or are applied to ensure the safety of air traffic shall immediately be notified to the other air traffic services units concerned and shall be terminated as soon as the circumstances that caused the deviation cease to exist.

5. Authorized signatories

For Roberts Approach Control Unit For Roberts Air Traffic Control Centre

United Nations S/2001/676

Security Council

Distr.: General
9 July 2001

Original: English

Letter dated 9 July 2001 from the Secretary-General addressed to the President of the Security Council

On 30 May 2001, acting pursuant to Security Council resolution 1348 (2001) of 19 April 2001, I informed the President of the Security Council that I had reappointed Ms. Christine Gordon (United Kingdom of Great Britain and Northern Ireland), Ambassador Juan Larrain (Chile), Mr. Ismaila Seck (Senegal) and Ambassador Lena Sundh (Sweden) to serve as experts on the monitoring mechanism established pursuant to resolution 1295 (2000). I also stated that efforts to identify a fifth expert were continuing and that once the fifth candidate had been identified, I would act accordingly (S/2001/537).

I am pleased to inform you that Mr. Wilson Chisala Kalumba (Zambia) has been identified as such a candidate. Accordingly, and having consulted with the Security Council Committee established pursuant to resolution 864 (1993) concerning the situation in Angola, I have appointed Mr. Kalumba as the fifth member to serve on the monitoring mechanism.

(*Signed*) Kofi A. **Annan**

01-44769 (E) 090701

United Nations S/2001/677

Security Council

Distr.: General
9 July 2001
English
Original: Arabic

Letter dated 9 July 2001 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

I have the honour to inform you that the Government of Lebanon hereby requests the Security Council to extend the mandate of the United Nations Interim Force in Lebanon (UNIFIL), which expires on 31 July 2001, for a further interim period of six months in accordance with the provisions of Security Council resolutions 425 (1978) and 426 (1978). It does so in view of the fact that the continued deployment of the Force remains necessary if it is to complete the task entrusted to it, especially in the light of the violations and provocations in which Israel engages on a daily basis on land, at sea and in the air and which constitute ongoing aggression against Lebanese sovereignty and are in breach of Security Council resolution 425 (1978). The deployment of UNIFIL also exemplifies the commitment of the international community to the restoration of Lebanon's full sovereignty and territorial integrity, as stipulated in resolutions 425 (1978) and 426 (1978). In this context, Lebanon stresses the necessity and importance of UNIFIL's presence in its current strength, especially in the light of the conditions prevailing in the region.

Lebanon hereby calls for the release of those who have for years been detained in Israeli prisons illegally and in defiance of the Geneva Conventions of 1949 and their Additional Protocols. It urgently demands the removal of the thousands of mines left in Lebanese territory by the Israeli occupation, which continue to bring death and injury to civilians and to restrict their freedom of activity and movement.

I take this opportunity to reaffirm Lebanon's commitment to the peace process in the Middle East with a view to the achievement of a comprehensive, just and lasting peace in the region based on compliance with Security Council resolutions 242 (1967) and 338 (1973) and the principle of land for peace, in accordance with the Madrid terms of reference.

The Lebanese Government also takes this opportunity to pay tribute to UNIFIL and to its commanders and soldiers, as well as to the troop-contributing countries, for their worthy efforts and the sacrifices they have made to implement the mandate of the Force.

Furthermore, the Government of Lebanon wishes to convey to you its deep appreciation for your tireless efforts, which contribute to the valuable presence of UNIFIL in southern Lebanon.

01-44792 (E) 100701 100701

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Sélim **Tadmoury**
Ambassador
Permanent Representative

United Nations A/55/1012–S/2001/678

General Assembly
Security Council

Distr.: General
11 July 2001

Original: English

General Assembly
Fifty-fifth session
Agenda item 64
Question of Cyprus

Security Council
Fifty-sixth year

Letter dated 6 July 2001 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government and further to the circulation of the letter by the Permanent Representative of the Republic of Turkey dated 6 July 2001 (A/55/986-S/2001/575), I am writing with reference to the judgement in the case of *Cyprus v. Turkey*, delivered at Strasbourg on 10 October 2001 by the European Court of Human Rights. The Court, in its decision, held that the matters complained of by the Republic of Cyprus in its Fourth Inter-State Application entailed Turkey's responsibility under the European Convention on Human Rights and found Turkey guilty of 14 violations of the Convention. These violations, inter alia, relate to:

- Greek-Cypriot missing persons and their relatives;
- Homes and property of displaced persons;
- Living conditions of Greek-Cypriots in the occupied areas.

An executive summary of the judgement issued as a press release by the Registrar of the court is attached to my letter (see annex) to give the Members of the United Nations the opportunity to have objective information on this issue. The full text of the judgement is available at the Internet site of the Court at: http://www.echr.coe.int.

In the above letter of the Turkish Permanent Representative, the European Court of Human Rights is accused by Turkey and its subordinate local administration in the area of Cyprus, under Turkish military occupation since 1974, that in its judgement it "does not take into account the realities and legality in Cyprus, and is based on political considerations". This position is not surprising, considering that Turkey has steadfastly rejected all decisions of international organizations that do not agree with its expansionist designs in Cyprus. Turkey having rejected resolutions of the Security Council, resolutions and decisions of the European Parliament, the Movement of Non-Aligned Countries, the Commonwealth and other organizations, once more rejects decisions of the highest legal authority of the Council of Europe. Unfortunately, the same contempt is also displayed by the Turkish-Cypriot leader, Mr. R. Denktash, a lawyer by profession. This, of course, is

01-45156 (E) 120701

also not surprising, considering that Mr. Denktash's entire career has revolved around the promotion of Turkey's so-called geo-strategic interests in Cyprus through the division of the island and its people, ignoring international law and even the true interests of the members of the Turkish-Cypriot community who have, as a consequence, become the real victims of the anachronistic policies of Turkey.

It is all the more disturbing to witness the Republic of Turkey, a member of the Council of Europe and a candidate for accession to the European Union, treating the decisions of the European Court of Human Rights with such scorn and disrespect. It is to be recalled that a similar judgement of the same Court, in the *Loizidou* case, concerning a Greek-Cypriot refugee who was awarded compensation for the violation of her right of enjoyment of her property in the occupied area, has awaiting implementation since 1998, despite the adoption by the Council of Ministers of the Council of Europe of three interim resolutions stressing to Turkey the obligation to execute the decision.

It is obvious from the Turkish reaction that Turkey does not intend to implement the Court's decision and put an end to the massive violations of the human rights and fundamental freedoms of the people of Cyprus. Instead, Turkey, pursuing relentlessly the acceptance of the so-called "realities", created by its illegal invasion and subsequent occupation, continues to violate the rights of the Greek Cypriot missing persons and their relatives, the refugees and the enclaved persons remaining in the occupied area.

As we strive to construct a new international order based on the rule of law and the principles of the Charter of the United Nations, the international community must not tolerate any longer such behaviour, which only reinforces the culture of impunity and renders the solution of the Cyprus problem more difficult.

The Republic of Cyprus has no desire to engage in polemics. Instead, we believe that the primary focus should be on intensifying the efforts for finding a just and workable solution of the Cyprus problem, on the basis of United Nations resolutions, which will restore and safeguard the human rights and fundamental freedoms of all Cypriots. Unfortunately, since November of last year, Mr. R. Denktash, supported by Turkey, refuses to continue the talks, after having abandoned them at the end of the fifth round, and insists on unacceptable preconditions for their resumption. Furthermore, the subordinate local administration of Turkey in occupied Cyprus has intensified its restrictions on bi-communal contacts and events, including most recently a performance by a bi-communal choir group planned for 1 July 2001 in the only remaining mixed village of Pyla. Moreover, with the recent creation of a shadowy chauvinistic organization, it tries to intimidate and suppress the freedom of expression of any Turkish-Cypriot opposed to the partitionist policies of Turkey. In this respect, the occupation regime will stop at nothing, as exemplified by the murder of the distinguished Turkish Cypriot journalist Kutlu Adali and the firebombing on two occasions of the Turkish-Cypriot daily *Avrupa*.

Furthermore, as stated in the draft report of the rapporteur of the Parliamentary Assembly of the Council of Europe, Mr. Jaakko Laakso, which was released last week, Turkey and her subordinate local administration have imported 120,000 Turkish mainland settlers into the occupied areas, causing 55,000 Turkish Cypriots to emigrate. Today, according to the report, only 85,000 Turkish Cypriots remain on the island. This considerable reduction of the Turkish Cypriot community is a direct

result of the efforts by Turkey to dilute the political will of the Turkish Cypriots and thus realize, unhindered, its expansionist aims.

We are convinced, however, that the true interests of all Cypriots, Greek-Cypriots and Turkish-Cypriots alike, who strive to live in a united, federal Cyprus, a member of the European Union with their rights fully protected, will ultimately prove to be stronger than the anachronistic partitionist policies of Turkey and her subordinate local administration in occupied Cyprus.

I would greatly appreciate it if the text of the present letter and its annex* could be circulated as a document of the General Assembly, under agenda item 64, and of the Security Council.

(*Signed*) Sotos **Zackheos**
Ambassador
Permanent Representative

* The annex is being circulated in the languages of submission only (English and French).

Annex to the letter dated 6 July 2001 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

10 May 2001

Press release issued by the Registrar of the European Court of Human Rights

JUDGMENT IN THE CASE OF CYPRUS v. TURKEY

In a Grand Chamber judgment delivered at Strasbourg on 10 May 2001 in the case of ***Cyprus v. Turkey*** (application no. 25781/94), the European Court of Human Rights held, by sixteen votes to one, that the matters complained of by Cyprus in its application entailed Turkey's responsibility under the European Convention on Human Rights.

The Court held that there had been the following 14 violations of the Convention (see **Decision of the Court** for details):

Greek-Cypriot missing persons and their relatives

- a continuing **violation of Article 2** (right to life) of the Convention concerning the failure of the authorities of the respondent State to conduct an effective investigation into the whereabouts and fate of Greek-Cypriot missing persons who disappeared in life-threatening circumstances;
- a continuing **violation of Article 5** (right to liberty and security) concerning the failure of the Turkish authorities to conduct an effective investigation into the whereabouts and fate of the Greek-Cypriot missing persons in respect of whom there was an arguable claim that they were in Turkish custody at the time of their disappearance;
- a continuing **violation of Article 3** (prohibition of inhuman or degrading treatment) in that the silence of the Turkish authorities in the face of the real concerns of the relatives attained a level of severity which could only be categorised as inhuman treatment.

Home and property of displaced persons

- a continuing **violation of Article 8** (right to respect for private and family life, home and correspondence) concerning the refusal to allow the return of any Greek-Cypriot displaced persons to their homes in northern Cyprus;
- a continuing **violation of Article 1 of Protocol No. 1** (protection of property) concerning the fact that Greek-Cypriot owners of property in northern Cyprus were being denied access to and control, use and

enjoyment of their property as well as any compensation for the interference with their property rights;

- a **violation of Article 13** (right to an effective remedy) concerning the failure to provide to Greek Cypriots not residing in northern Cyprus any remedies to contest interferences with their rights under Article 8 and Article 1 of Protocol No. 1.

Living conditions of Greek Cypriots in Karpas region of northern Cyprus

- a **violation of Article 9** (freedom of thought, conscience and religion) in respect of Greek Cypriots living in northern Cyprus, concerning the effects of restrictions on freedom of movement which limited access to places of worship and participation in other aspects of religious life;
- a **violation of Article 10** (freedom of expression) in respect of Greek Cypriots living in northern Cyprus in so far as school-books destined for use in their primary school were subject to excessive measures of censorship;
- a **continuing violation of Article 1 of Protocol No. 1** in respect of Greek Cypriots living in northern Cyprus in that their right to the peaceful enjoyment of their possessions was not secured in case of their permanent departure from that territory and in that, in case of death, inheritance rights of relatives living in southern Cyprus were not recognised;
- a **violation of Article 2 of Protocol No. 1** (right to education) in respect of Greek Cypriots living in northern Cyprus in so far as no appropriate secondary-school facilities were available to them;
- a **violation of Article 3** in that the Greek Cypriots living in the Karpas area of northern Cyprus had been subjected to discrimination amounting to degrading treatment;
- a **violation of Article 8** concerning the right of Greek Cypriots living in northern Cyprus to respect for their private and family life and to respect for their home;
- a **violation of Article 13** by reason of the absence, as a matter of practice, of remedies in respect of interferences by the authorities with the rights of Greek Cypriots living in northern Cyprus under Articles 3, 8, 9 and 10 of the Convention and Articles 1 and 2 of Protocol No. 1.

Rights of Turkish Cypriots living in northern Cyprus

- a **violation of Article 6** (right to a fair trial) on account of the legislative practice of authorising the trial of civilians by military courts.

The Court further held that there had been **no violation** concerning a number of complaints, including all those raised under: Article 4 (prohibition of slavery

and forced labour), Article 11 (freedom of assembly and association), Articles 14 (prohibition of discrimination), Article 17 (prohibition of abuse of rights) and Article 18 (limitation on use of restrictions on rights) read in conjunction with all those provisions. As regards a number of other allegations, the Court held that it was not necessary to consider the issues raised.

The Court also decided, unanimously, that the question of the possible application of Article 41 (just satisfaction) of the Convention was not ready for decision.

1. Principal facts

The case relates to the situation that has existed in northern Cyprus since the conduct of military operations there by Turkey in July and August 1974 and the continuing division of the territory of Cyprus. In connection with that situation, Cyprus maintained that Turkey had continued to violate the Convention in northern Cyprus after the adoption of two earlier reports by the European Commission of Human Rights, which were drawn up following previous applications brought by Cyprus against Turkey.

In the Convention proceedings, Cyprus contended that Turkey was accountable under the Convention for the violations alleged notwithstanding the proclamation of the "Turkish Republic of Northern Cyprus" in November 1983 and the subsequent enactment of the "TRNC Constitution" in May 1985. Cyprus maintained that the "TRNC" was an illegal entity from the standpoint of international law and pointed to the international community's condemnation of the establishment of the "TRNC". Turkey, on the other hand, maintained that the "TRNC" was a democratic and constitutional State, which was politically independent of all other sovereign States, including Turkey. For that reason, Turkey stressed that the allegations made by Cyprus were imputable exclusively to the "TRNC" and that Turkey could not be held accountable under the Convention for the acts or omissions on which those allegations were based.

2. Procedure

The application was lodged with the European Commission of Human Rights on 22 November 1994. Having declared the application admissible on 28 June 1996, the Commission appointed Delegates who took evidence in respect of various matters raised by the application in Strasbourg (27-28 November 1997), Cyprus (21-24 February 1998) and London (22 April 1998). Having concluded that there was no basis on which a friendly settlement could be secured, the Commission, following an oral hearing, adopted a report on 4 June 1999 in which it established the facts and expressed an opinion as to whether the facts disclosed the alleged breaches by Turkey of its obligations under the Convention.

The case was referred to the Court by the Government of the Republic of Cyprus on 30 August 1999 and by the Commission on 11 September 1999. The panel of the Grand Chamber of the Court decided that the case should be examined by the Grand Chamber.

3. Composition of the Court

Judgment was given by the Grand Chamber of seventeen judges, composed as follows:
Luzius **Wildhaber** (Swiss), ***President***,
Elisabeth **Palm** (Swedish),
Jean-Paul **Costa** (French),
Luigi **Ferrari Bravo** (Italian),
Lucius **Caflisch** (Swiss),
Willi **Fuhrmann** (Austrian),
Karel **Jungwiert** (Czech),
Marc **Fischbach** (Luxemburger),
Boštjan **Zupančič** (Slovenian),
Nina **Vajić** (Croatian),
John **Hedigan** (Irish),
Margarita **Tsatsa-Nikolovska** (FYROMacedonia),
Tudor **Panţîru** (Moldovan),
Egils **Levits** (Latvian),
Anatoly **Kovler** (Russian), ***judges***,
Kutlu Tekin **Fuad**, **ad hoc *judge*** in respect of Turkey,
Silvio **Marcus-Helmons**, **ad hoc *judge*** in respect of Cyprus,
and also Michele **de Salvia**, ***Registrar***.

4. Complaints

Before the Court, Cyprus alleged violations of the Convention under Articles 1 (obligation to respect human rights), 2, 3, 4, 5, 6, 8, 9, 10, 11, 13, Articles 1 and 2 of Protocol No. 1, and Articles 14, 17, and 18. According to Cyprus, these Articles were violated as a matter of administrative practice by the respondent State.
The allegations concerned the following issues:
(a) Greek-Cypriot missing persons and their relatives
In respect of Greek-Cypriot missing persons, it was alleged that, if any were still in Turkish custody, this would constitute a form of slavery or servitude contrary to Article 4 and a grave breach of their right to liberty under Article 5. In addition, Cyprus maintained that there had been a violation of Articles 2 and 5 on account of Turkey's failure to carry out an investigation into the disappearance of these persons in life-threatening circumstances and to account for their whereabouts.
In respect of the relatives of missing persons, Cyprus alleged violations of Articles 3, 8 and 10 on account of the Turkish authorities' consistent and continuing failure to provide information on the fate of the missing persons.

(b) Home and property of displaced persons
Cyprus complained, among other things, under Article 8 (the continuing refusal to allow Greek Cypriots to return to their homes and families in northern Cyprus; implantation of Turkish settlers in northern Cyprus to the detriment of the

demographic and cultural environment of northern Cyprus), Article 1 of Protocol No. 1 (denial of access to and enjoyment of property, re-assignment of property, withholding of compensation and deprivation of title), Article 13 of the Convention (failure to provide any remedy to displaced persons in respect of the alleged violations of Article 8 and Article 1 of Protocol No. 1) and Article 14 taken in conjunction with the preceding Articles (discrimination against Greeks and Greek Cypriots as regards, among other things, enjoyment of their property). Cyprus further invoked Article 3 (discrimination against displaced persons amounting to ill-treatment), and Articles 17 (abuse of rights) and 18 (impermissible use of restrictions on rights).

(c) Living conditions of Greek Cypriots in the Karpas region of northern Cyprus

As regards the Karpas Greek Cypriots, Cyprus relied on, among other things, Articles 2 (denial of adequate medical treatment and services), 3 (discriminatory treatment; in particular in view of their advanced age, the restrictions placed on them and methods of coercion used were said to amount to inhuman and degrading treatment), 5 (threat to security of person and absence of official action to prevent this), 6 (lack of a fair hearing before an independent and impartial tribunal established by law for the determination of their civil rights), 8 (interference with their right to respect for their private and family life, home and correspondence), 9 (interference with their right to manifest their religion on account of restrictions on their freedom of movement and access to places of worship), 10 (excessive censorship of school-books and restrictions on importation of Greek-language newspapers and books), 11 (impediments to their participation in bi or inter-communal events or gatherings), 13 (denial of an effective remedy in respect of their complaints) and 14 (discrimination on racial, religious and linguistic grounds), and Articles 1 (interference with the property of deceased Greek Cypriots as well as with the property of such persons who permanently leave northern Cyprus) and 2 (denial of secondary-education facilities to Greek-Cypriot children) of Protocol No. 1.

(d) Complaints relating to Turkish Cypriots, including members of the Gypsy community, living in northern Cyprus

Cyprus alleged, among other things, violations in relation to Turkish Cypriots who are opponents of the "TRNC" *régime* of Articles 5 (arbitrary arrest and detention), 6 (trial by "military courts"), 8 (assaults and harassment by third parties), 10 (prohibition of Greek-language newspapers and interference with the right to freedom of expression), 11 (denial of the right to associate freely with Greek Cypriots), Article 1 of Protocol No.1 (failure to allow Turkish Cypriots to return to their properties in southern Cyprus). Violations were also alleged of Articles 3, 5, 8 and 13 and Article 2 of Protocol No. 1 in relation to the treatment of Turkish-Cypriot Gypsies living in northern Cyprus.

5. Decision of the Court

Preliminary issues

The Court considered, unanimously, that, notwithstanding Turkey's failure either to submit a memorial to the Court or to attend the oral hearing held on 20 September 2000 and to plead these issues afresh, it had jurisdiction to examine those preliminary issues raised by Turkey in the proceedings before the Commission which the Commission reserved for the merits stage.

The Court held, unanimously, that the applicant Government had both *locus standi* to bring the application, given that the Republic of Cyprus was the sole legitimate government of Cyprus, and a legitimate legal interest in having the merits of the application examined since neither of the resolutions adopted by the Committee of Ministers of the Council of Europe on the Commission's previous reports had resulted in a decision which could be said to be dispositive of the issues raised in the application. Furthermore, the Court, unanimously, confirmed the Commission's conclusion that situations which ended more than six months before the date of introduction of the application (22 May 1994) fell outside the scope of its examination.

As to Turkey's denial of liability under the Convention for the allegations made against it, the Court held, by sixteen votes to one, that the facts complained of in the application fell within the "jurisdiction" of Turkey within the meaning of Article 1 of the Convention and therefore entailed the respondent State's responsibility under the Convention. In reaching this conclusion, the Court noted that such a finding was consistent with its earlier statements in its ***Loizidou v. Turkey*** (*merits*) judgment [fn]. In that judgment, the Court had noted that Turkey exercised effective overall control of northern Cyprus through its military presence there, with the result that its responsibility under the Convention was engaged for the policies and actions of the "TRNC" authorities. In the instant case, the Court stressed that Turkey's responsibility under the Convention could not be confined to the acts of its own soldiers and officials operating in northern Cyprus but was also engaged by virtue of the acts of the local administration ("the TRNC"), which survived by virtue of Turkish military and other support.

The Court further held, by ten votes to seven, that, for the purposes of the exhaustion requirements under the former Article 26 (current Article 35 § 1), remedies available in the "TRNC" may be regarded as "domestic remedies" of the respondent State and that the question of the effectiveness of these remedies had to be considered in the specific circumstances where it arose, on a case-by case basis. The majority of the Court, in line with the majority viewpoint of the Commission, considered, among other things, and with reference to the Advisory Opinion of the International Court of Justice in the Namibia case, that in situations similar to those arising in the present case, the obligation to disregard acts of *de facto* entities, like the "TRNC", was far from absolute. For the Court, life went on in the territory concerned for its inhabitants and that life must be made tolerable and be protected by the *de facto* authorities, including their courts. It considered that, and in the interests of the inhabitants, the acts of those authorities could not simply be ignored by third States or by international institutions, especially courts. To hold otherwise would amount to stripping the

inhabitants of the territory of all their rights whenever they were discussed in an international context, which would amount to depriving them even of the minimum standard of rights to which they were entitled. In reaching this conclusion, the Court's majority stressed that its reasoning did not in any way legitimise the "TRNC" and reaffirmed the view that the government of the Republic of Cyprus remained the sole legitimate government of Cyprus.

(a) Greek-Cypriot missing persons and their relatives

The Court, unanimously, found that there had been **no violation of Article 2** by reason of an alleged violation of a substantive obligation under that Article in respect of any of the missing persons. The evidence before it did not substantiate to the required standard that any of the missing persons were killed in circumstances engaging the respondent State's liability.

On the other hand, the Court found, by sixteen votes to one, that there had been a **continuing violation of Article 2** on account of the failure of the authorities of the respondent State to conduct an effective investigation into the whereabouts and fate of Greek-Cypriot missing persons who disappeared in life-threatening circumstances.

The Court concluded, unanimously, that **no violation of Article 4** had been established.

Although it found, unanimously, that it had not been established that, during the period under consideration, any of the missing persons were actually in detention, the Court ruled, by sixteen votes to one, that there had been a **continuing violation of Article 5** by virtue of the failure of the authorities of the respondent State to conduct an effective investigation into the whereabouts and fate of the Greek-Cypriot missing persons in respect of whom there was an arguable claim that they were in Turkish custody at the time of their disappearance.

As to the relatives of the Greek-Cypriot missing persons, the Court held, by sixteen votes to one, that there had been a **continuing violation of Article 3**. In the Court's opinion, the silence of the authorities of the respondent State in the face of the real concerns of the relatives attained a level of severity which could only be categorised as inhuman treatment.

Having regard to that conclusion, the Court held, unanimously, that it was not necessary to examine whether Articles 8 and 10 of the Convention had been violated in respect of the relatives of the Greek-Cypriot missing persons.

(b) Home and property of displaced persons

The Court held, by sixteen votes to one, that there had been a **continuing violation of Article 8** by reason of the refusal to allow the return of any Greek-Cypriot displaced persons to their homes in northern Cyprus. Having regard to that conclusion, the Court found, unanimously, that it was not necessary to examine whether there had been a further violation of that Article by reason of the alleged manipulation of the demographic and cultural environment of the

Greek-Cypriot displaced persons' homes in northern Cyprus. As to the applicant Government's complaint under Article 8 concerning the interference with the right to respect for family life on account of the refusal to allow the return of any Greek-Cypriot displaced persons to their homes in northern Cyprus, the Court held, unanimously, that this complaint fell to be considered in the context of their allegations in respect of the living conditions of the Karpas Greek Cypriots. Furthermore, the Court held, by sixteen votes to one, that there had been a **continuing violation of Article 1 of Protocol No. 1** by virtue of the fact that Greek-Cypriot owners of property in northern Cyprus were being denied access to and control, use and enjoyment of their property as well as any compensation for the interference with their property rights.
The Court also held, by sixteen votes to one, that there had been a **violation of Article 13** by reason of the failure to provide to Greek Cypriots not residing in northern Cyprus any remedies to contest interferences with their rights under Article 8 and Article 1 of Protocol No. 1. It did not find it necessary (unanimously) to examine whether in this case there had been a violation of Article 14 taken in conjunction with Articles 8 and 13 and Article 1 of Protocol No. 1, or whether the alleged discriminatory treatment of Greek-Cypriot displaced persons also gave rise to a breach of Article 3. It was also of the unanimous view that it was not necessary to examine separately the applicant Government's complaints under Articles 17 and 18, having regard to its findings under Articles 8 and 13 and Article 1 of Protocol No. 1.

(c) Living conditions of Greek Cypriots in Karpas region of northern Cyprus
The Court held, by sixteen votes to one, that there had been a **violation of Article 9** in respect of Greek Cypriots living in northern Cyprus. As regards Maronites living in northern Cyprus it found, unanimously, **no violation of Article 9**. The Court also held, by sixteen votes to one, that there had been a **violation of Article 10** in respect of Greek Cypriots living in northern Cyprus in so far as school-books destined for use in their primary school were subject to excessive measures of censorship.
The Court further held, by sixteen votes to one, that there had been a **continuing violation of Article 1 of Protocol No. 1** in respect of Greek Cypriots living in northern Cyprus in that their right to the peaceful enjoyment of their possessions was not secured in case of their permanent departure from that territory and in that, in case of death, inheritance rights of relatives living in southern Cyprus were not recognised.
The Court also ruled, by sixteen votes to one, that there had been **a violation of Article 2 of Protocol No. 1** in respect of Greek Cypriots living in northern Cyprus in so far as no appropriate secondary-school facilities were available to them.
In addition, the Court found, by sixteen votes to one, that there had been **a violation of Article 3** in that the Greek Cypriots living in the Karpas area of northern Cyprus had been subjected to discrimination amounting to degrading

treatment. It observed in this connection that the Karpas Greek-Cypriot population was compelled to live in a situation of isolation and that its members were controlled and restricted in their movements and had no prospect of renewing or developing their community. For the Court, the conditions under which the population was condemned to live were debasing and violated the very notion of respect for the human dignity of its members. The discriminatory treatment attained a level of severity which amounted to degrading treatment. The Court further held, by sixteen votes to one, that, from an overall standpoint, there had been a **violation of Article 8** concerning the right of Greek Cypriots living in northern Cyprus to respect for their private and family life and to respect for their home. In this connection the Court noted that the population concerned was subjected to serious restrictions on the exercise of these rights, including monitoring of its members' movements and contacts. The surveillance effected by the authorities even extended to the physical presence of State agents in the homes of Greek Cypriots on the occasion of social or other visits paid by third parties, including family members. Having regard to that conclusion, the Court found, unanimously, that it was not necessary to examine separately the applicant Government's complaint under Article 8 concerning the effect of the respondent State's alleged colonisation policy on the demographic and cultural environment of the Greek Cypriots' homes. The Court further found, unanimously, **no violation of Article 8** concerning the right to respect for correspondence by reason of an alleged practice of interference with the right of Greek Cypriots living in northern Cyprus to respect for their correspondence. The Court found, by sixteen votes to one, that there had been a **violation of Article 13** by reason of the absence, as a matter of practice, of remedies in respect of interferences by the authorities with the rights of Greek Cypriots living in northern Cyprus under Articles 3, 8, 9 and 10 of the Convention and Articles 1 and 2 of Protocol No. 1. On the other hand, it held, by eleven votes to six, that **no violation of Article 13** had been established by reason of the alleged absence of remedies in respect of interferences by private persons with the rights of Greek Cypriots living in northern Cyprus under Article 8 and Article 1 of Protocol No. 1.

The Court held, by sixteen votes to one, that **no violation of Article 2** had been established by reason of an alleged practice of denying access to medical services to Greek Cypriots and Maronites living in northern Cyprus and, by the same margin, that there had been **no violation of Article 5**. Furthermore, by eleven votes to six, it held that **no violation of Article 6** had been established in respect of Greek Cypriots living in northern Cyprus by reason of an alleged practice of denying them a fair hearing by an independent and impartial tribunal in the determination of their civil rights and obligations. The Court also held, unanimously, that **no violation of Article 11** had been established by reason of an alleged practice of denying Greek Cypriots living in northern Cyprus the right to freedom of association and that **no violation of Article 1 of Protocol No. 1** had been established by virtue of an alleged practice of failing to protect

the property of Greek Cypriots living in northern Cyprus against interferences by private persons.
The Court decided, unanimously, that it was not necessary to examine whether there had been a violation of Article 14 taken in conjunction with Article 3 in respect of Greek Cypriots living in northern Cyprus, having regard to its finding under Article 3 and, by fourteen votes to three, that, having regard to the particular circumstances of this case, it was not necessary to for it to examine whether there had been a breach of Article 14 taken in conjunction with other relevant Articles.
(d) Right of displaced Greek Cypriots to hold elections
The Court held, unanimously, that it was not necessary to examine whether the facts disclosed a violation of the right of displaced Greek Cypriots to hold free elections, as guaranteed by Article 3 of Protocol No. 1.
(e) Rights of Turkish Cypriots, including members of Gypsy community, living in northern Cyprus
Under this heading, the Court, unanimously, declined jurisdiction to examine those aspects of the applicant Government's complaints under Articles 6, 8, 10 and 11 in respect of political opponents of the regime in the "TRNC" as well as their complaints under Articles 1 and 2 of Protocol No. 1 in respect of the Turkish-Cypriot Gypsy community, which were held by the Commission not to be within the scope of the case as declared admissible.
The Court found, by sixteen votes to one, that there had been a **violation of Article 6** on account of the legislative practice of authorising the trial of civilians by military courts.
The Court further held, unanimously, that there had **been no violation of Articles 3, 5, 8, 10 and 11** concerning the rights of Turkish Cypriot opponents of the regime in northern Cyprus by reason of an alleged administrative practice, including an alleged practice of failing to protect their rights under these Articles.
By sixteen votes to one, the Court found **no violation of Articles 3, 5, 8 and 14** concerning the rights of members of the Turkish-Cypriot Gypsy community by reason of an alleged administrative practice, including an alleged practice of failing to protect this group's rights under these Articles.
It held, unanimously, that: **no violation of Article 10** had been established by reason of an alleged practice of restricting the right of Turkish Cypriots living in northern Cyprus to receive information from the Greek-language press; **no violation of Article 11** had been established by reason of an alleged practice of interference with the right to freedom of association or assembly of Turkish Cypriots living in northern Cyprus; **no violation of Article 1 of Protocol No. 1** had been established by reason of an alleged administrative practice, including an alleged practice of failing to secure enjoyment of their possessions in southern Cyprus to Turkish Cypriots living in northern Cyprus.
By eleven votes to six, the Court found that **no violation of Article 13** had been established by reason of an alleged practice of failing to secure effective remedies to Turkish Cypriots living in northern Cyprus.

(f) Alleged violations of Articles 1, 17, 18 and former Article 32 § 4
The Court held unanimously that it was not necessary to examine separately the applicant Government's complaints under these Articles.
Judges Palm, Costa, Jungwiert, Panţîru, Levits, Kovler, Fuad and Marcus-Helmons expressed partly dissenting opinions, which are annexed to the judgment.

***

The Court's judgments are accessible on its Internet site (http://www.echr.coe.int).
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The European Court of Human Rights *was set up in Strasbourg in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights. On 1 November 1998 a full-time Court was established, replacing the original two-tier system of a part-time Commission and Court.*

[fn] Judgment of 18 December 1996, Reports of Judgments and Decisions 1996-VI, §§ 52-56.

United Nations A/55/1012/Corr.1–S/2001/678/Corr.1

General Assembly
Security Council

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General Assembly
Fifty-fifth session
Agenda item 64
Question of Cyprus

Security Council
Fifty-sixth year

Letter dated 6 July 2001 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Corrigendum

1. In the first paragraph

   For 10 October 2001 **read** 10 May 2001

2. Page 2, second paragraph, sixth line

   For has awaiting **read** has been awaiting

01-45937 (E) 180701

United Nations S/2001/679

Security Council

Distr.: General
10 July 2001
English
Original: Arabic

Letter dated 9 July 2001 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to notify you of continued violations of the ceasefire resolution and the Tehran agreement concerning the area of separation between Iraq and Iran that were committed by Iran between 18 April and 23 June 2001, as shown in the list annexed hereto.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(*Signed*) Mohammed A. **Al-Douri**
Ambassador
Permanent Representative

01-44842 (E) 100701 110701

Annex to the letter dated 9 July 2001 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

Iranian violations of the ceasefire and the 1991 Tehran agreement, 18 April-23 June 2001

1. 18 April 2001

At 1245 hours a khaki-coloured Iranian military helicopter was seen flying at moderate altitude along the Shatt al-Arab from the port of Muhammarah towards Abadan. At 1300 hours it headed towards the Iranian rear.

2. 14 May 2001

At 2215 hours Iranian artillery fired two illumination projectiles at coordinates 7020.

3. 13 May 2001

At 1130 hours the Iranians fired on a boat belonging to an Iraqi patrol in the Basrah sector at coordinates 2740.

4. 15 May 2001

At 0100 hours Iranian artillery fired one illumination projectile at coordinates 7020.

5. 20 May 2001

At 0630 hours a citizen was hit in the right shoulder by a round fired from the Iranian side as he was fishing on the shore of the Shatt al-Arab in the Fadaghiyah area in Faw district.

6. 25 May 2001

At 0130 hours an Iranian patrol boat seized an Iraqi fishing boat with three Iraqi fishermen on board while they were fishing in the Shatt al-Arab opposite Shahiniyah (1:100,000 map of Saybah). The boat and its crew were held in the Iranian inspection area. At 0200 hours on 29 May the boat and its crew were released.

7. 26-28 May 2001

An Iranian engineering unit began work between coordinates 5751 and coordinates 5754, mending the road. The equipment and vehicles used were 11 dump trucks, one car, one pick-up truck, one roller and four bulldozers. At the same time another unit began work at coordinates 5717, using one bulldozer.

8. 26 May 2001

At 0830 hours three helicopters were seen flying near the Hawd Sumar area, reconnoitring the surroundings.

9. 26 May 2001

At 0900 hours two Iranian fighter aircraft were seen near the Hawd Sumar area flying north inside Iranian territory. At 0930 hours they returned to the Iranian rear.

10. 27 May 2001

At 2013 hours the Iranians fired two 81-mm mortar rounds at our units at coordinates 4850.

11. 28 May 2001

At 0100 hours an Iranian engineering unit was seen building a new border post on the southern bank of the Karun river 50 metres from the eastern shore of the Shatt al-Arab (1:100,000 map of Saybah).

12. 28 May 2001

At 0730 hours five khaki-coloured Iranian helicopters were seen at coordinates 8312 flying from south to north along the border strip at low altitude.

13. 28 May 2001

At 0800 hours seven Iranian fixed-wing transport aircraft were seen flying from south to north along the border strip inside Iranian territory. A group of some 50 to 75 parachutists were dropped from only two of the aircraft at coordinates 4645 (1:100,000 map of Shaykh Sa'd). The aircraft then returned to the Iranian rear.

14. 28 May 2001

At 1000 hours a group of Iranians, some in civilian clothing and some in military dress, was seen near an Iranian post opposite the Bihar area (1:100,000 map of Saybah). Two of them fired GC rifles in an indiscriminate manner. They then headed towards the Iranian rear.

15. 29 May-1 June 2001

An Iranian engineering unit consisting of eight dump trucks, four bulldozers and another vehicle continued work, spreading ballast along the old road at coordinates 570559.

16. 2 June 2001

At 1520 hours the Iranians proceeded to build a radio station with a communications antenna alongside the Shayb post, to construct new emplacements and to lay mines at coordinates 7220 (1:100,000 map of Hawr al-Huwayzah).

17. 3 June 2001

At 1000 and 1600 hours the Iranians directed light-weapons fire from the Iranian shore near the tubular bridge at a boat belonging to the customs police inside Iraqi territorial waters.

18. 4 June 2001

At 0700 hours the Iranians fired a number of rounds from GC weapons at a patrol boat in the Kasabah area some 4 to 5 kilometres from Faw district and near the Ra's al-Bayshah control point.

19. 4 June 2001

At 0800 hours an Iranian engineering unit began work at coordinates 5753, mending the old road and spreading ballast. The equipment and vehicles used were four dump trucks, two bulldozers and two excavators.

20. 4 June 2001

At 1145 hours an Iranian helicopter came from the Kanjan dam direction at coordinates 1675 and flew over Mehran city and along the boundary line at an altitude of 200 metres opposite the Darraji post at coordinates 104722 (1:100,000 map of Zorbatiyah). At 1200 hours it returned to the Iranian rear.

21. 4 June 2001

At 1650 hours an Iranian helicopter came from Mehran city and landed at the Iranian concrete runway at coordinates 123818 (1:100,000 map of Zorbatiyah). At 1730 hours it returned to the Iranian rear.

22. 5 June 2001

At 2030 hours the Iranians fired five 82-mm mortar rounds at one of our border posts in the central sector.

23. 7 June 2001

At 1007 hours an Iranian helicopter flew over Iran's border posts in the central sector. At 1030 hours it returned to the Iranian rear.

24. 7 June 2001

At 0800 hours a khaki-coloured Iranian helicopter was seen flying inside Iranian territory along the eastern shore of the Shatt al-Arab from Abadan to Ra's Abadan opposite Ra's al-Bayshah. It then returned towards Abadan before heading back to the Iranian rear.

25. 7 June 2001

At 0600 hours the Iranians fired on a fishing boat on the side of the Shatt al-Arab belonging to the Saybah area. Two Iraqis were wounded, one of them seriously.

26. 7 June 2001

At 1100 hours the Iranians launched 11 guided missiles at the Mashwah area of Saddamiyat al-Qurnah district in Basrah Governorate.

27. 9 June 2001

At 0500 hours the Iranians fired indiscriminately at a small, motorless Iraqi fishing boat with no one on board. The boat was damaged.

28. 11 June 2001

At 0900 hours the Iranians connected a 24-kV cable to their position at coordinates 3157 (1:100,000 map of Saybah) and installed a one-barrel machine-gun on the berm near the position so that it now has a two-barrel machine-gun and a PKT machine-gun.

29. 14 June 2001

At 1130 hours an Iraqi military border emplacement in Wasit Governorate was hit by an MK-82 projectile. The citizen Muhyi Ja`far Alwan was badly wounded.

30. 16-17 June 2001

An Iranian engineering unit continued work at coordinates 5753, mending the old road and spreading ballast. The equipment and vehicles used were four dump trucks, two excavators and two Poclains.

31. 18 June 2001

The Iranians installed an SBG-9 weapon in their position on Hajj Salbukh Island at coordinates 3256.

32. 18-20 June 2001

A Iranian engineering unit began work at coordinates 5753, mending the road and spreading ballast. The equipment and vehicles used were three dump trucks, two excavators and two graders.

33. 20 June 2001

The citizen Mahmud Mansur, 59, was fishing in Iraqi territorial waters in the Faw area in launch No. 108/Basrah when at 1000 hours he came under fire from an Iranian boat with three military personnel on board. He was wounded in both legs and in the right arm.

34. 21 June 2001

At 1520 hours the Iranian side proceeded to build a radio station with a communications antenna alongside the Shayb post, to construct new emplacements and to lay a new minefield at coordinates 7220 (1:100,000 map of Hawr al-Huwayzah).

35. 23 June 2001

Sa`dun Jabir Kazim and Husayn Karim Abbas, both employees at the Abu Gharb oil station in Maysan Governorate, were going out in the safety and fire vehicle of the Maysan oil police department to carry out maintenance work on well 101, which belongs to the Shirhani oil station some 400 metres from the boundary with Iran, when at 1100 hours Iranian soldiers fired at them using BKC rifles and mortar rounds. Husayn Karim was killed in the incident, and Sa`dun Jabir was hit by one round in the left leg.

United Nations S/2001/680

Security Council

Distr.: General
10 July 2001

Original: English

Letter dated 9 July 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Croatia to the United Nations addressed to the President of the Security Council

Upon the instructions of my Government, I write to you in connection with the forthcoming item on the agenda of the Security Council entitled "The situation in Croatia", dealing with the extension of the mandate of the United Nations Mission of Observers in Prevlaka (UNMOP).

My Government commends the contribution of UNMOP in ensuring stability on the southern-most border between the Republic of Croatia and the Federal Republic of Yugoslavia. The past negotiations to resolve the issue of Prevlaka were fruitless, burdened by the Milošević régime's ambition for territorial expansion and disrespect for the land border of Prevlaka as the internationally recognized border. In this regard, my Government welcomes the resumption of its bilateral contacts with the new democratically oriented authorities of the Federal Republic of Yugoslavia and Serbia and with the authorities of Montenegro.

My Government is encouraged by the political will of the Federal Republic of Yugoslavia to engage actively in the quest for a solution of the Prevlaka issue, as expressed in its letter of 3 July 2001 addressed to the President of the Security Council (S/2001/668), and is ready to start the negotiations on the delimitation of the maritime border based on international law as soon as possible.

Therefore, the Government of the Republic of Croatia, in good faith, is ready to accept the extension of the UNMOP mandate for another period of six months, expecting it to be the final one. With the constructive approach of the new Government in Belgrade, we hope for a speedy solution of the Prevlaka issue, based on the principle of the inviolability of the existing internationally recognized borders.

I would like to request your kind assistance in distributing the present letter as a document of the Security Council.

(*Signed*) Jasna **Ognjanovac**
Minister Plenipotentiary
Chargé d'affaires a.i.

01-44975 (E) 100701

United Nations S/2001/681

Security Council

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10 July 2001
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Draft resolution

The Security Council,

Recalling all its earlier relevant resolutions, including resolutions 779 (1992) of 6 October 1992, 981 (1995) of 31 March 1995, 1088 (1996) of 12 December 1996, 1147 (1998) of 13 January 1998, 1183 (1998) of 15 July 1998, 1222 (1999) of 15 January 1999, 1252 (1999) of 15 July 1999, 1285 (2000) of 13 January 2000, 1307 (2000) of 13 July 2000, 1335 (2001) of 12 January 2001 and 1357 (2001) of 21 June 2001,

Having considered the report of the Secretary-General of 3 July (S/2001/661) on the United Nations Mission of Observers in Prevlaka (UNMOP),

Recalling also the letters to its President from the Chargé d'affaires a.i. of the Federal Republic of Yugoslavia of 5 July 2001 (S/2001/668) and from the Chargé d'affaires a.i. of the Republic of Croatia of 9 July 2001 (S/2001/680), concerning the disputed issue of Prevlaka,

Reaffirming once again its commitment to the independence, sovereignty and territorial integrity of the Republic of Croatia within its internationally recognized borders,

Noting once again the Joint Declaration signed at Geneva on 30 September 1992 by the Presidents of the Republic of Croatia and the Federal Republic of Yugoslavia, in particular articles 1 and 3 thereof, the latter reaffirming their agreement concerning the demilitarization of the Prevlaka peninsula, and the Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia of 23 August 1996 (S/1996/706, annex),

Noting with satisfaction that the overall situation in the UNMOP area of responsibility has remained stable and calm despite continuing violations of the demilitarization regime, including limitations placed on the free movement of United Nations military observers,

Noting with satisfaction that the opening of crossing points between Croatia and the Federal Republic of Yugoslavia in the demilitarized zone continues to facilitate civilian and commercial traffic in both directions without security incidents and continues to represent a significant confidence-building measure in the normalization of relations between the two parties, and urging the parties to utilize these openings as a basis for further confidence-building measures to achieve the normalization of relations between them,

01-45045 (E) 110701

Welcoming the joint statement by the Presidents of the Republic of Croatia and the Federal Republic of Yugoslavia issued in Verbania, Italy, on 8 June 2001 (A/56/116-S/2001/617) in which they expressed their commitment to normalize the bilateral relations between their countries, with a special emphasis on facilitating the free movement of persons, commodities and ideas, and to implement bilateral agreements already signed,

Commending the role played by UNMOP, and *noting also* that the presence of the United Nations military observers continues to be essential to maintaining conditions that are conducive to a negotiated settlement of the disputed issue of Prevlaka,

Recalling the relevant principles contained in the Convention on the Safety of the United Nations and Associated Personnel adopted on 9 December 1994 and the statement of its President of 10 February 2000 (S/PRST/2000/4),

Welcoming and encouraging efforts by the United Nations to sensitize peacekeeping personnel in the prevention and control of HIV/AIDS and other communicable diseases in all its peacekeeping operations,

1. *Authorizes* the United Nations military observers to continue monitoring the demilitarization of the Prevlaka Peninsula, in accordance with resolutions 779 (1992) and 981 (1995) and paragraphs 19 and 20 of the report of the Secretary-General of 13 December 1995 (S/1995/1028), until 15 January 2002, and *requests* the Secretary-General to continue to report to the Council where appropriate;

2. *Reiterates* its calls upon the parties to cease all violations of the demilitarized regime in the United Nations designated zones, to cooperate fully with the United Nations military observers and to ensure their safety and full and unrestricted freedom of movement;

3. *Welcomes* the resumption of talks between the Governments of the Republic of Croatia and the Federal Republic of Yugoslavia, and *urges* the parties to continue their talks with the aim of fulfilling rapidly and in good faith their commitment to a negotiated resolution on the disputed issue of Prevlaka in accordance with article 4 of the Agreement on Normalization of Relations;

4. *Encourages* the parties to consider all confidence-building measures, including the options provided to them pursuant to resolution 1252 (1999), that could help facilitate a solution to the disputed issue of Prevlaka;

5. *Requests* the parties to continue to report at least bi-monthly to the Secretary-General on the status of their bilateral negotiations;

6. *Requests* the United Nations military observers and the multinational stabilization force authorized by the Council in resolution 1088 (1996) of 12 December 1996 and extended by resolution 1357 (2001) of 21 June 2001 to cooperate fully with each other;

7. *Decides* to remain seized of the matter.

United Nations S/2001/682

Security Council

Distr.: General
10 July 2001

Original: English

Letter dated 9 July 2001 from the Secretary-General addressed to the President of the Security Council

I have the honour to submit to you, and through you to the members of the Security Council, the text of an exchange of letters between the Secretariat of the United Nations and the Permanent Mission of Iraq to the United Nations extending, in the light of Security Council resolution 1360 (2001) of 3 July 2001, the Memorandum of Understanding of 20 May 1996 concerning the implementation of Security Council resolution 986 (1995) for a new period of 150 days, effective 4 July 2001 (see annexes).

(*Signed*) Kofi A. **Annan**

01-44995 (E) 100701

Annex I

Letter dated 5 July 2001 from the Assistant Secretary-General for Legal Affairs in charge of the Office of Legal Affairs addressed to the Permanent Representative of Iraq to the United Nations

I have the honour to refer to resolution 1360 (2001), adopted by the Security Council on 3 July 2001, by which the Council decided that the relevant provisions of resolution 986 (1995) would remain in force for a new period of 150 days beginning at 00.01 hours, Eastern Daylight Time, on 4 July 2001. I should also like to refer to an exchange of letters between the Secretariat of the United Nations and the Permanent Mission of Iraq to the United Nations dated 6 December 2000 extending, in the light of Security Council resolution 1330 (2000) of 5 December 2000, the Memorandum of Understanding of 20 May 1996 between the Secretariat of the United Nations and the Government of Iraq on the implementation of Security Council resolution 986 (1995) for a period of 180 days, effective 6 December 2000.

In view of the foregoing, I have the honour to propose that the provisions of the Memorandum of Understanding of 20 May 1996 be extended for an additional period of 150 days, effective 4 July 2001.

It is understood that the distribution plans that have already been approved but have not yet been implemented shall continue to apply for goods purchased with oil revenues generated under the respective Security Council resolutions.

If your Government agrees to this proposal, I suggest that this letter, and your reply thereto, constitute an agreement between the Secretariat of the United Nations and the Government of Iraq. This, however, does not apply to the second sentence of your reply, which is a unilateral statement by the Government concerning matters outside the scope of the mandate of the Secretariat in relation to the present exchange of letters, and which, furthermore, as we understand it, does not affect the nature of the applicable resolutions adopted in accordance with relevant provisions of the Charter of the United Nations.

(*Signed*) Ralph **Zacklin**
Assistant Secretary-General for Legal Affairs
in charge of the Office of Legal Affairs

Annex II

Letter dated 5 July 2001 from the Permanent Representative of Iraq to the United Nations addressed to the Assistant Secretary-General for Legal Affairs in charge of the Office of Legal Affairs

I have the honour to inform you that the Government of the Republic of Iraq has agreed to the proposal contained in your letter of 5 July 2001 for the extension of the provisions of the Memorandum of Understanding between the Secretariat of the United Nations and the Government of the Republic of Iraq of 20 May 1996 for an additional period of 150 days, effective 4 July 2001. In this connection the Government of the Republic of Iraq wishes to confirm its position that it is not concerned with nor committed to any resolutions, arrangements, measures, concepts or orientations not provided for in the Memorandum of Understanding between the Secretariat of the United Nations and the Government of the Republic of Iraq of 20 May 1996 or not agreed upon by the Government of Iraq, and that the last sentence of your letter expresses the position of the Secretariat of the United Nations.

(*Signed*) Dr. Mohammed **Aldouri**
Ambassador
Permanent Representative of Iraq to the United Nations

United Nations A/55/1013–S/2001/683

General Assembly
Security Council

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11 July 2001
English
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General Assembly
Fifty-fifth session
Agenda item 10
Report of the Secretary-General on the work of the Organization

Security Council
Fifty-sixth year

Letter dated 29 June 2001 from the Permanent Representative of Sweden to the United Nations addressed to the Secretary-General

I have the honour to bring to your attention a statement on the European Union Programme for the Prevention of Violent Conflicts issued on 15 June 2001 (see annex).

I should be grateful if you would have the text of this letter and its annex circulated as a document of the General Assembly, under agenda item 10, and of the Security Council.

(*Signed*) Pierre **Schori**
Permanent Representative of Sweden to the United Nations

01-45314 (E) 130701 130701

Annex to the letter dated 29 June 2001 from the Permanent Representative of Sweden to the United Nations addressed to the Secretary-General

[Original: English and French]

European Union Programme for the Prevention of Violent Conflicts

1. The international community has a political and moral responsibility to act to avoid the human suffering and the destruction of resources caused by violent conflicts. The European Union is a successful example of conflict prevention, based on democratic values and respect for human rights, justice and solidarity, economic prosperity and sustainable development. The process of enlargement will extend this community of peace and progress to a wider circle of European states.

2. In line with the fundamental values of the EU, the highest political priority will be given to improving the effectiveness and coherence of its external action in the field of conflict prevention, thereby also enhancing the preventive capabilities of the international community at large.

3. Conflict prevention calls for a co-operative approach to facilitate peaceful solutions to disputes and implies addressing the root-causes of conflicts. It is an important element of all aspects of the external relations of the European Union. The development of ESDP has, since the outset, been intended to strengthen the EU's capacity for action in the crucial field of conflict prevention.

4. In keeping with the primary role of the UN in conflict prevention, EU actions will be undertaken in accordance with the principles and purposes of the UN Charter. Recalling that the main responsibility for conflict prevention rests with the parties concerned, assistance to local and regional capacity building according to principles of local ownership is of particular importance.

5. The European Union, through this programme, underlines its political commitment to pursue conflict prevention as one of the main objectives of the EU's external relations. It resolves to continue to improve its capacity to prevent violent conflicts and to contribute to a global culture of prevention. The Commission communication on conflict prevention is welcomed as a major contribution to EU capabilities for conflict prevention.

6. The EU will:

- set clear political priorities for preventive actions,
- improve its early warning, action and policy coherence,
- enhance its instruments for long- and short-term prevention, and
- build effective partnerships for prevention.

I. Political priorities for preventive actions

7. Successful conflict prevention relies on preparedness to take action before a situation deteriorates into violence. Development of policy options must start with clear political priorities and direction, set out through regular reviews of potential conflict areas.

8. In order to **set clear political priorities for preventive actions**:

- the Council will schedule a broad consideration of potential conflict issues at the outset of each Presidency, including at the time of the yearly orientation debate, prepared with assistance from the High Representative, relevant Council bodies, including the Political and Security Committee (PSC), and the Commission, to identify priority areas and regions for EU preventive actions;
- the Council will pursue coherent and comprehensive preventive strategies, using appropriate existing instruments and taking into account ongoing actions, in order to identify challenges, set clear objectives, allocate adequate resources and ensure co-operation with external partners;
- the implementation of preventive strategies will be monitored by the Council, drawing on contributions from the Secretary General/High Representative (SG/HR) and the Commission;

- the Commission is invited to implement its proposal on strengthening the conflict prevention elements in the Country Strategy Papers, as stipulated in the Council conclusions on Linking Relief, Rehabilitation and Development (LRRD), i.a. through more systematic analyses of potential conflict situations.

II. Early warning, action and policy coherence

9. Successful prevention must be based on accurate information and analysis as well as clear options for action for both long- and short-term prevention. It requires enhanced field co-operation. Coherence must be ensured in early warning, analysis, planning, decision-making, implementation and evaluation.

10. In order to ensure **early warning, action and policy coherence**:

- Coreper will continue to ensure coherence between different policy areas of the Union, paying specific attention to the question of coherent preventive activities;
- the PSC will further strengthen its role in developing and monitoring conflict prevention policies within the Common Foreign and Security Policy (CFSP) and the ESDP, building upon information from relevant bodies, and bringing issues to the attention of the Council;
- Member States, their Heads of Mission, EU Special Representatives, EC delegations and other representatives of the Commission, as well as the Council Secretariat, including the Policy Planning and Early Warning Unit (PPEWU) and the EU Military Staff (EUMS), should provide regular information on developments of potential conflict situations, i.a. through the development and use of standard formats and methods for early warning reports;
- full use will be made of information from field based personnel of the UN and the OSCE, as well as other international organisations and civil society;
- increased exchange of information between the Member States and the Commission is encouraged, i.a. through exchange of Country Strategy Papers and respective strategy documents of Member States, as well as through the establishment of a system of exchange of information at working level under development by the Commission;
- full use will be made of the Guidelines for strengthening operational co-ordination between the Community, represented by the Commission, and the Member States in the field of external assistance, adopted by the Council on 22 January 2001.

III. EU instruments for long- and short-term prevention

11. The Union has an extensive set of instruments for structural long-term and direct short-term preventive actions. The long-term instruments include development co-operation, trade, arms control, human rights and environment policies as well as political dialogue. The Union also has a broad range of diplomatic and humanitarian instruments for short-term prevention. Structures and capabilities for civil and military crisis management, developed within the framework of the ESDP, will also contribute to the capabilities of the EU to prevent conflicts.

12. It must use these instruments in a more targeted and effective manner in order to address root-causes of conflict such as poverty, lack of good governance and respect for human rights, and competition for scarce natural resources.

13. To **strengthen EU instruments for long- and short-term prevention**:

- all relevant institutions of the Union will mainstream conflict prevention within their areas of competence, taking into account the recommendations made in the Commission communication on conflict prevention;
- the Commission is invited to implement its recommendations on ensuring that its development policy and other co-operation programmes are more clearly focused on

addressing root-causes of conflicts in an integrated way within the framework of the poverty reduction objective;
- EU's political dialogue will be used in a systematic and targeted way to address potential conflicts and promote conflict prevention;
- the Commission, taking into account the Council conclusions on EU electoral assistance and observation of 31 May 2001, is invited to implement its recommendations on more targeted action in support of democracy, and the particular attention paid to support to electoral processes, including electoral observers, administration of justice, improving police services and human rights training for the whole security sector, as means of contributing to conflict prevention;
- the capacities of the Union will, as needs are identified, be strengthened by developing instruments in areas such as expertise on human rights and democracy, fact-finding missions, disarmament, demobilisation and reintegration (DD&R), and demining;
- the Council will examine how instruments for disarmament, arms control and non-proliferation, including Confidence and Security Building Measures, can be used more systematically for preventive purposes, including as means for early warning and post-conflict stabilisation and as element in the political dialogue, whilst avoiding duplication of the activities of regional and international organisations;
- the EU will support the ratification and implementation of agreements to tackle the problem posed by unregulated spread of small arms and light weapons in all its aspects, including the proposed UN Programme of Action;
- Member States and the Commission will tackle the illicit trade in high-value commodities, including by taking forward work to identify ways of breaking the link between rough diamonds and violent conflicts and through support for the Kimberly process;
- the Council will develop proposals on the further improvement of its diplomatic instruments, i.a. on the more effective use of Special Representatives, and to this end draw on contributions from the SG/HR;
- the Council, assisted by the SG/HR, and the Commission will, within their areas of competence, examine how to use the crisis management capabilities more effectively for preventive purposes.

IV. **Co-operation and partnerships**

14. The EU must build and sustain mutually reinforcing and effective partnerships for prevention with the UN, the OSCE and other international and regional organisations as well as the civil society. Increased co-operation is needed at all levels, from early warning and analysis to action and evaluation. Field co-ordination is of particular importance. EU action should be guided by principles of value added and comparative advantage.

15. In order to **increase co-operation and build effective partnerships**:
- The EU will intensify its exchange of information and practical co-operation with the UN system, the OSCE, the Council of Europe, other regional and subregional organisations and the international financial institutions, making full use of recent work on intensified EU-UN and EU-OSCE co-operation in the field of conflict prevention and crisis management;
- in accordance with the principles agreed at Feira and Nice, the EU and NATO, in developing their co-operation in crisis management, notably in the Western Balkans, will also increasingly contribute to conflict prevention;
- exchange of information, dialogue and practical co-operation with humanitarian actors such as the ICRC, relevant non-governmental and academic organisations should also be strengthened;

- the Union and its Member States will, in accordance with article 19 of the Treaty of the European Union, co-ordinate their action to promote conflict prevention in international organisations where they are members;
- joint training programmes for EU, UN and OSCE field and headquarters personnel should be developed, benefiting from the Commission's willingness to consider funding of such programmes;
- the EU will invite organisations involved in conflict prevention in Europe to a meeting on how to improve preventive capabilities, in order to contribute to the dialogue on peace-building initiated by the UN Secretary-General;
- the Union should also contribute to the strengthening of preventive capacities of regional and subregional organisations outside Europe, i.a. through the Commission recommendation on support to regional and subregional integration and, in particular organisations with a clear conflict prevention mandate;
- methods for EU co-operation with the private sector in the field of conflict prevention will be developed, drawing i.a. on progress made by the UN Global Partnership, the OECD guidelines for multinational enterprises and the G8.

V. Implementation

16. The EU and its Member States share the responsibility to implement this programme. Future Presidencies are invited to promote this implementation and make recommendations on its further development. The Commission is invited to implement the recommendations made in its communication on conflict prevention, within its area of competence. Members States are encouraged to develop national action plans to increase their capabilities for conflict prevention.

17. The first report on the progress made in implementation of this programme should be submitted by the Presidency to the European Council in Seville.

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Security Council

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9 July 2001
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Letter dated 9 July 2001 from the Permanent Representative of Belgium to the United Nations addressed to the Secretary-General

I have the honour to bring to your attention the following statement (copies attached in French and English) issued on 6 July 2001 by the Presidency of the European Union, on behalf of the European Union, concerning the situation in Burundi (see annex).

I should be grateful if you would have the text of this letter and its annex circulated as a document of the Security Council.

(*Signed*) Jean **De Ruyt**
Permanent Representative of Belgium to the United Nations

01-45197 (E) 110701 110701

Annex to the letter dated 9 July 2001 from the Permanent Representative of Belgium to the United Nations addressed to the Secretary-General

[Original: English and French]

Statement by the Presidency of the European Union, on behalf of the European Union, concerning the situation in Burundi

Stirred by public opinion in its Member States and remaining gravely concerned about the situation in Burundi, the European Union:

- Notes the worrying worsening of the political and security situation in Burundi, a country ravaged by an intensification of hostilities, a deterioration in political life, socio-economic collapse, a tragic impoverishment of the population and violations of human rights and fundamental freedoms;
- Notes with regret the impasse reached in the peace process, with fundamental issues regarding the cease-fire and leadership of the transition still remaining unresolved, and believes that these two issues cannot be separated but must be dealt with in parallel;
- Considers that it is up to Burundi's politicians themselves to arrive at a consensus on this;
- Expresses its concern at the danger of war in the Great Lakes region (the east of the DRC, Rwanda and Burundi);
- Condemns the fresh upsurge of violence and deplores the fact that the combatants are pursuing the logic of war by stepping up their military operations;
- Points out that there can be no military solution to the conflict and that a cessation of hostilities and a cease-fire are urgently needed, in order to stabilize the country and facilitate a lasting settlement of the regional conflict in the DRC;
- Points out that the mission conducted by the Security Council delegation in May 2001 highlighted once again the responsibilities borne by the States of the region in the Burundian crisis;
- Urgently appeals to Heads of State, meeting in Lusaka for the Summit of the African Union, to bring their influence to bear on all the main parties involved in the conflict to seek a political solution to the current serious crisis;
- Reiterates its willingness to contribute to the search for a peaceful solution in all the appropriate fora and through continued support for the efforts of the Facilitator, Nelson Mandela. It is considering means of increasing its assistance to him in expertise and financial resources, so as to secure a coordinated, ongoing negotiation process with the rebel movements, under the leadership of the Facilitator and drawing on the contacts already established by the United Nations Secretary-General's Special Representative in Bujumbura;

– Calls upon donors, in particular the international financial institutions, not to leave the people at Burundi to their fate and urges that the pledges given at the Paris Conference be implemented.

The Central and Eastern European countries associated with the European Union, Cyprus, Malta and Turkey, as fellow associated countries, and those EFTA countries which are members of the European Economic Area endorse this declaration.

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Security Council

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Letter dated 11 July 2001 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to invite the Security Council again to address the issue of the demilitarization of Kisangani and, specifically, the latest developments in that regard.

On 19 July 2001, Rwanda, through the Rassemblement Congolais pour la Démocratie (RCD-Goma), stated that it was strengthening its presence in Kisangani, in flagrant violation of the relevant provisions of Council resolution 1355 (2001) of 15 June 2001, particularly section A, paragraph 5, in which the Council, acting under Chapter VII of the Charter of the United Nations, demanded "that the Rassemblement Congolais pour la Démocratie demilitarize Kisangani in accordance with resolution 1304 (2000), and that all parties respect the demilitarization of the city and its environs".

My Government would also like to recall the statement made to the press on 6 July 2001 by the President of the Council, who stressed that the RCD-Goma "has failed to disengage Kisangani and has obstructed the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) operations".

Moreover, the forces of aggression occupying the martyred city of Kisangani are continuing to carry out acts of harassment against MONUC representatives in violation of the status-of-forces agreement signed between the United Nations and the Government of the Democratic Republic of the Congo.

My Government regards this reckless attitude on the part of Rwanda and RCD-Goma as the expression of their deliberate wish to resume hostilities in order to perpetuate the occupation of the territory of the Democratic Republic of the Congo, which enables them to continue the illegal exploitation of the natural resources and other wealth of the Democratic Republic of the Congo and to engage, in violation of its national sovereignty, in other kinds of illicit trafficking which sustain their war effort as cheaply as possible.

The refusal to demilitarize the city of Kisangani is a decision with grave consequences and a new challenge to the Security Council.

My Government would like to warn the international community and the Council of the risks of inaction by the Council, which would be likely to perpetuate the state of war in the Democratic Republic of the Congo and even lead to an escalation of the conflict, thus prolonging the suffering of the Congolese people.

01-45238 (E) 120701 120701

Inaction by the Council would also have the negative effect of strengthening the feeling of impunity among the aggressor countries, which would be convinced of the powerlessness of the principal organ of the United Nations responsible for the maintenance of international peace and security. There is a real danger that the aggressor countries will undermine the credibility of the Security Council, which would have a devastating impact on the current peace process.

In the light of the foregoing, the Government of the Democratic Republic of the Congo requests the Security Council to assume its responsibilities fully and to:

1. Immediately take the steps required for the demilitarization of Kisangani, in accordance with Council resolution 1304 (2000) of 15 June 2000 and all subsequent resolutions on this serious matter;

2. Demand that Rwanda and RCD-Goma demilitarize Kisangani and its environs in accordance with Council resolutions 1304 (2000) of 16 June 2000 and 1355 (2001) of 15 June 2001;

3. Strictly apply the measures provided for in Articles 39 to 42 of the Charter of the United Nations and in section A, paragraph 28, of Council resolution 1355 (2001) against Rwanda and RCD-Goma if they persist in their refusal to demilitarize Kisangani within a time limit to be set for them by the Security Council.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Atoki **Ileka**
Ambassador
Permanent Representative